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TOWNSHIP AND BOROUGH

BEING THE

FORD LECTURES

DELIVERED IN THE UNIVERSITY OF OXFORD
IN THE OCTOBER TERM OF 1897

TOGETHER WITH AN APPENDIX OF NOTES RELATING
TO THE HISTORY OF THE TOWN OF CAMBRIDGE

BY

FREDERIC WILLIAM MAITLAND, LL.D.
DOWNING PROFESSOR OF THE LAWS OF ENGLAND
IN THE UNIVERSITY OF CAMBRIDGE.

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PREFACE.

TO the University of Oxford I made a poor return for a high honour and hospitable forbearance; but, having given the lectures, I feel bound to show, if I can, that there is some evidence behind the theories that I ventured to advocate, and this I try to do in an appendix of notes.

If either lectures or notes are of any value, this is in a great measure due to the friendliness and courtesy which have enabled me to make use of some unpublished documents relating to the town and fields of Cambridge. My thanks are more especially due to the Mayor and Town Council, to the Master and Fellows of Jesus College, to Mr Horace Darwin lately Mayor of the Borough, to Mr J. E. L. Whitehead the Town Clerk, to Mr T. Musgrave Francis who allowed me to inspect his copies of the Inclosure Awards, to Mr J. W. Clark the Registrary of the University who lent me a manuscript copy of the *Liber Memorandorum* of Barnwell Priory (a book which he should edit), to Mr R. F. Scott, Bursar of St John's College, and to Mr A. Gray, Fellow and Tutor of Jesus College. Mr Gray not

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only permitted me to see his notes of the charters of St Radegund but also taught me so much about rural Cambridge that I fear that I may be telling a story which he should have told. I hardly need say, for this I hope is evident, that I am deeply in debt to Dr Otto Gierke.

Perhaps in my lectures I passed too often and too rapidly backwards and forwards between the domain of economic history and the domain of law, or even of legal metaphysics. But I wished to illustrate the close interdependence of fact and theory, for it seems to me that the coming historian of our English towns must, among his other tasks, set himself to study and explain, as two phases of one process, the transition from rural to urban habits and the evolution among the townsmen of that kind and that degree of unity which are corporateness and personality. He will neglect neither English life nor Italian thought: neither the butts and balks of the town field nor the new idea. I hope that his coming is at hand.

F. W. M.

CAMBRIDGE,
19th Feb. 1898.

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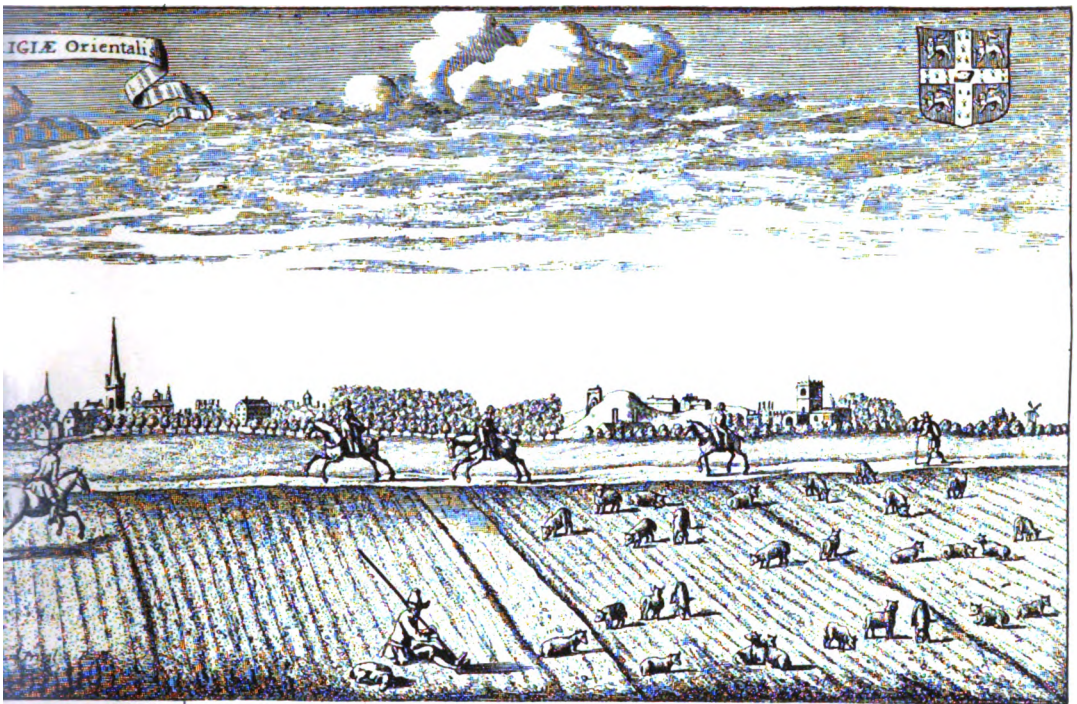

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TOWNSHIP AND BOROUGH.

I.

On the 20th of January, 1803, Mr Justice Lawrence and a jury of merchants were sitting at the Gildhall in London to try an issue between the Mayor, Bailiffs and Burgesses of the Borough of Cambridge and the Warden, Fellows and Scholars of Merton College in the University of Oxford.

The value of the matter directly in dispute was not very high; but the question that was opened was large. A lordship over some 1,200 acres, or about two square miles of land, went a-begging. There were five claimants. There was the municipal corporation of Cambridge; there was Merton College, Oxford; there were two Cambridge colleges, Jesus and St John's; there was Sir Charles Cotton, the squire of a village called Madingley.

This debatable tract of 1,200 acres lay, we moderns should say, immediately outside the town of Cambridge. Our ancestors would have said that it was a part and a great part, more than a third, of the town (*villa*) of Cambridge, though it lay outside the defensible and house-covered area.

What had happened was this:—An Act of Parliament had directed the inclosure of vast 'open and

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commonable' fields, arable fields, in which the strips of divers owners lay intermixed. Ring-fenced plots were to be awarded to these owners in lieu of their scattered strips. Allotments were also to be made to those who, though they had owned no strips, had been exercising rights of pasture. Allotments were also to be made to the owners of the tithe. But dispersed among the arable strips there were many small pieces of waste land; there were the balks of green sward, the odds and ends. Who owned them? Who could claim an allotment in their stead?

That someone owned them was generally assumed. Suppose that you are inclosing the open field of an ordinary village. Allotments must be made to the owners of the strips, to commoners, to the owners of the tithe; but an allotment should also be made in respect of 'the soil of the waste.' In general you will easily find an owner for it. There will be some obvious manorial lord. But here this ownership goes a-begging. A municipal corporation claims it; three learned corporations claim it; the squire of a neighbouring village claims it. An Act of Parliament directs them to try their claims one against the other. Some one should be lord of this field. *Nulle terre sans seigneur.*

To finish the tale, the municipal corporation was successful. It obtained a verdict, and in consequence it received an allotment of somewhat less than five acres out of the 1,200 that were distributed.

At this time on the other side of the town of Cambridge there lay another wide expanse of open arable field. An Act of 1807 provided for its inclosure. Here also the ownership of the waste was in dispute. It was claimed by the municipal corporation; it was also claimed by those who represented the Prior of Barnwell; but the Prior's successors did not go to trial, and out

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of the 1,100 acres that were inclosed nine acres were given to the incorporate Town as an equivalent for its manorial rights.

Thus was decided a question, or one part of a question, that had been simmering for centuries. Briefly we may put it thus:—What did King John mean, or rather what did King John really do, when he granted to the burgesses of Cambridge the town of Cambridge with all its appurtenances, to have and to hold it for ever of him and his heirs to them and their heirs at a rent of £40 blanch and £20 by tale? What did he mean, or rather what did he really do, when he commanded that the burgesses and their heirs should have and hold the said town with all its appurtenances well and peaceably, in meadows and pastures, mills, pools and waters with all their liberties and free customs[1]? Were the burgesses collectively or corporatively lords of the town in such sense that they intervened in the feudal scale of land-tenure between the king and any man who held a house within the ditch or an acre-strip without the ditch? Were the burgesses collectively or corporatively the 'tenants in demesne,' or, as we should now say, the owners, of whatever land within the ambit of the town was not held in severalty: of the wide pastures, of the balks and odds and ends of sward that lay among the arable strips, of the ditches, of the king's ditch, of the streets and lanes and market places? It was a big question. Happily it was faced in what I may call prehistoric times: I mean in 1803. A jury of merchants at the Gildhall, untroubled by 'the village community' or 'the origin of the borough,' made short work of it.

Will you think me ill bred if I talk of the town in

[1] Cooper, Annals, i. 33. This charter is closely similar in form to the Oxford charter of 1199: Ogle, Royal Letters addressed to Oxford, p. 5.

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which I live? What else have you left me to talk of? What fields has not Oxford made her own?

But Cambridge had fields. I am not telling you that outside what we should call the town of Cambridge, that is, the house-covered space, there were pieces of land which we should call fields and that some of these lay within the boundary of the municipal and parliamentary borough of Cambridge. I am using the words in their medieval sense. Cambridge had fields (*campos*) as the neighbouring villages had fields: vast, hedgeless, fenceless tracts of arable land, in which the strips of divers owners lay interspersed 'hide-meal and acre-meal.' Cambridge had fields which were 'open and commonable': fields such as are depicted on those beautiful maps that Mr Mowat published. Cambridge had fields as Lower Heyford had fields.

David Loggan the engraver drew pictures of Oxford and of Cambridge also. In his general views of Cambridge we see in the background the houses, the colleges and churches, the castle-mound and the remains of the dismantled castle: in the foreground lies the open field, and I do not know that better pictures of an open field were ever drawn.

Celebrated thus by art, our Cambridge field has been celebrated by poetry also, at least if that excellent individualist Thomas Tusser was a poet. In the Cambridge field, if we borrow his eyes, we may see at their worst the evils of the old champion (or, as we say, champain) husbandry: the husbandry, that is, of open and commonable *campi*.

> By Cambridge, a town I do know,
> Where many good husbands do dwell,
> Where losses by lossels do shew
> More here than is needfull to tell,
> . . . . . .

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The champion robbeth by night,
And prowleth and filcheth by day,
Himself and his beast out of sight
Both spoileth and maketh away
Not only thy grass but thy corn
Both after and ere it be shorn[1].

Art and poetry left something for modern science. When Mr Seebohm was restoring the open field of the English Village Community, it was I believe a terrier of this Cambridge field that taught him to teach us what butts and gores were like[2].

Besides fields, Cambridge had meadows or leys which during a part of every year were commonable. Also it had pasture-land which was never inclosed or enjoyed in severalty, 'the green commons of the town'; for the more part they are green and open still. But further, so late as the reign of James I., Cambridge, its fields and its green commons, can upon occasion be treated as an agrarian whole. In 1624 the Vice-Chancellor of the University and the Mayor of the Borough issued an ordinance touching the commons of the town. Every occupier of an ancient tenement having of old time broad gates may turn out two head of cattle. Every occupier of other tenements and cottages may turn out one. Every person having six score acres of land in Cambridge field may turn out six, and so in proportion for any greater or less quantity of land[3].

Observe what this reverend Vice-Chancellor and this worshipful Mayor are doing. They seem to be legislating for an agrarian commonwealth. They are decreeing that the pasture of the town must still subserve the arable of

[1] Tusser, A Comparison between Champion Country and Severall, stanzas 12–3, in Five Hundred Points, ed. Mavor, 1812, p. 207.

[2] Seebohm, English Village Community, 3rd ed. p. 19.

[3] Cooper, Annals, iii. 164. For the houses 'with broad gates,' see also ibid. ii. 333.

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the town. And what is the unit of arable that gives the normal share of pasture-right? It is six score acres, a long hundred of acres, a hide.

Thus through the crust of academic learning, through the crust of trade and craft, of municipality and urbanity, the rustic basis of Cambridge is displayed. These hereditary enemies, these representatives of Town and Gown, have for once laid their heads together in order that they may stint the common of a community that ploughs.

A curious community it had become. The principal share-holders in the arable were not 'natural persons,' but chartered corporations. There are various Cambridge colleges, and this is what brings the Vice-Chancellor into the business. There is Jesus College which represents the Nuns of St Radegund; there is St John's College which represents an ancient Hospital; there is the College of Corpus Christi which ever since its foundation has owned many strips; there is Caius College with a title derived from the Mortimers of Attleburgh. Then there is Merton College, which was endowed by its founder, by Walter of Merton himself, with strips that he had purchased, for reasons that I dare not guess[1], in the open and commonable fields of Cambridge. The Vice-Chancellor and the Mayor are agreeing in 1624 that he who occupies a hide of such strips may keep six horses or bullocks on the commons of the town. They are also ordaining that every occupier of an ancient tenement in Cambridge 'having of old time broad gates,' that is, gates receptive of cattle, may turn out two beasts.

It is a curious case because the strip-owners are for the more part colleges. But does not its curiosity end here? In other words, is it not right and proper that a borough should have fields, arable fields, 'open and

[1] Rashdall, Universities, ii. 483: 'no doubt in view of the possibility of a migration.'

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commonable fields'? I speak not of the smaller or of the newer boroughs, of the enfranchised manors. I speak of the great, old boroughs, those shire-boroughs, those *civitates*, which already in Domesday Book are sharply separated from the ordinary villages. I see that when Henry VIII. sold the spoils of Godstow and Rewley to Dr George Owen, the conveyance spoke of arable land in Oxfordfield[1].

Might we not aim yet higher? In the twelfth century when William FitzStephen sings the praises of London, he does not say that somewhere near it lie fertile arable fields; he says that the arable fields of the town of London are fertile[2].

Historians of our universities will not let us forget that Erasmus accused the Cambridge townsmen of a preeminence in boorishness. 'Vulgus Cantabrigiense inhospitales Britannos antecedit, qui cum summa rusticitate summam malitiam coniunxere[3].' We should distort his words if we took them to mean that there were, in Tusser's phrase, 'many good husbands' in Cambridge, though husband and boor have a common origin. But was the plan, the map, of this ancient borough exceptionally rustic? I shall not admit it until many Inclosure Awards have been studied.

Time was when we in England had a respectably neat system of legal geography, and when we seldom

[1] Royal Letters, ed. Ogle, p. 153: 'Ac totum illud messuagium nostrum ac omnes terras arrabiles nostras in Oxfordfylde ac omnia prata pascuas pasturas et pecias terrae in Burge mede et prope Charwell eidem messuagio pertinentia modo vel nuper in tenura Roberti Colyer aut assignatorum suorum scituata iacentia et existencia in parochia S. Egidii iuxta portam borialem ville Oxonie dicto nuper monasterio de Regali loco alias dicto Rewley dudum spectantia et pertinentia.'

[2] Munimenta Gildhallae, ii. 4: 'Agri urbis sationales non sunt ieiunae glareae, sed pingues Asiae campi, qui faciunt laetas segetes, et suorum cultorum repleant horrea Cerealis mergite culmi.'

[3] Rashdall, Universities, ii. 553; Mullinger, Hist. Univ. Camb. i. 504.

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spoke of parishes, except when we were speaking of ecclesiastical affairs. The whole country (this was the theory, if not precisely the fact) was cut up into vills or towns. The law assumed that every acre of land lay in some town, some *villa*. If in a court of law you claimed an acre of land, you were bound to name the *villa* in which it lay. A mistake about this matter would be fatal; your writ would be quashed. Now every borough is a *villa*, a town. Indeed, in course of time we allow the urban places to appropriate to their exclusive use this good old word, and then we awkwardly distinguish the towns from the townships or borrow 'villages' from the French. However, the borough is a *villa*, and if you look at the English boroughs as they stood on the eve of their reformation, as they stood when in 1833 they were visited by the royal commissioners, you will often find that their boundaries have provided wide enough room for fields and meadows and pastures. You will read that 'the local limits of the Borough of Derby contain 1,660 statute acres[1],' that the limits of Northampton comprise 1,520 acres and include 'a considerable quantity of agricultural land[2],' that 'the Borough of Bedford includes the whole town [that is, the whole house-covered area] which lies nearly in its centre encircled by a broad belt of land; its area being 2,164 statute acres[3],' and, to take one last example, that 'the ancient borough' of Nottingham covered no less than 9,610 acres and 'included a considerable quantity of forest, meadow and common land without the walls of the town[4].' On the other hand, the fortified space was never very large. I learn from Mr Boase that intramural Oxford contained little more than 80 acres[5].

[1] App. to Munic. Corp. Rep. 1835, vol. iii. p. 1849.

[2] Ibid. iii. 1965. [3] Ibid. iv. 2103. [4] Ibid. iii. 1985.

[5] Boase, Oxford, 55: 'The wall enclosed a small rectangular space, measuring about half a mile from east to west, and a little more than a quarter of a mile from north to south.'

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In a legal record of 1426 we may read that there is a high-way lying in the town, the *villa*, of Oxford in a certain place called Greenditch within the parish of St Giles outside the North Gate of the town of Oxford, which high-way the township (*villata*) of Oxford is bound to repair. Whatever else Oxford may be, it is a *villa*, a town; and, whatever else the community of Oxford may be, it is a *villata*, a township[1]. A township should no more mean a little town than a fellowship should mean a little fellow.

I have been endeavouring to suggest to you that those who would study the early history of our towns (and I now use that word in its modern sense) have fields and pastures on their hands. Perhaps the suggestion is needless. The relationship of the town community, the nascent civic corporation, to the village community, the relationship of the town community to the town lands, the relationship of the oldest *burgenses* to arable strips and green commons, these have been a focus of that vigorous German controversy which we are watching with interest. But it is unnecessary, though it may be profitable, to look abroad. The Bishop of Oxford has taught us that 'the *burh* of the Anglo-Saxon period was simply a more strictly organised form of the township[2].' If that be so, we must not leave out of view nine-tenths of the borough's territory. After what Mrs Green has written and Mr Stevenson has edited, it is plain that the early

[1] Royal Letters, ed. Ogle, pp. 339, 340 (A.D. 1426): 'quedam alta via domini Regis iacens in villa Oxonie in quodam loco vocato Grenedyche infra parochiam S. Egidii extra portam borialem ville Oxonie..... quam quidem altam viam.. villata Oxonie.. reparare debet.' For Greenditch, see Wood's City of Oxford, ed. Clark, p. 345. Mr Clark says of it 'now St Margaret's road.' In the view of those who endeavoured to make the township of Oxford liable for the repair of this road, the town of Oxford extended far beyond the northern wall.

[2] Stubbs, Const. Hist. i. 99.

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history of one ancient shire-borough, I mean Nottingham, can not be the history of a small house-covered space[1].

Possibly therefore I may turn your thoughts towards a luminous point if I try to interest you in the story of this lordship, this ownership, that went a-begging at Cambridge. For a long time past there had been an intermittent dispute. In 1616 the University declared that of the soil of Cambridge 'no certain lord was known'; also that King John's grant of 'the vill of Cambridge' to the burgesses and their heirs was not a grant of 'the soil[2].' Even in 1826, when the fields had been inclosed, a quarrel among the inhabitants about a toll brought the old documents once more before the courts, and the lawyers were wrangling over the question whether Cambridge was or was not on the ancient demesne of the crown.

All this interests me. Long before I knew of these debates affecting the ground on which I daily walk, certain general considerations had led me to believe, first, that the soil of a truly ancient borough, a shire-borough recognized as such by Domesday Book, would very possibly have no obvious lord, and secondly, that if a king of the twelfth or thirteenth century took upon himself to grant such a borough to its burgesses, he might be sowing the seeds of a pretty law-suit[3]. A certain uncertainty about lordship and ownership, or about somewhat that is neither exactly lordship nor exactly ownership, may, so I think, be a leading thread in the early history of our oldest boroughs. Look at Oxford or

[1] So of Colchester, Mr Round has written in the Antiquary, vol. vi. p. 255: 'Perhaps the most salient feature revealed...is the stamp of a primitive rural community imprinted on a walled and populous town, a former Roman *colonia*.'

[2] Cooper, Annals, iii. 110–1.

[3] Hist. Eng. Law (ed. 1), i. 635.

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look at Cambridge in Domesday Book. Why does the clerk write *Terra Regis* below and not above the account of the borough? Perhaps because there is 'no certain lord,' or no certain owner, of the soil.

But I have another and a more general purpose in view when I ask your attention to this disputation. A student of our towns and villages must come to close quarters with some legal ideas, and the task of unravelling their history is not going to be so easy as it looked a while ago. That is a warning which comes to us from many quarters. We may see it in Mr Baden-Powell's book on the Indian Village, and in Dr Gierke's book on the German Community. We may see it everywhere. We shall have to think away distinctions which seem to us as clear as the sunshine; we must think ourselves back into a twilight. This we must do, not in a haphazard fashion, but of set purpose, knowing what we are doing.

Did it not seem to some of us, at all events in the examination room, that the question about the origin of property in land was straightforward? On the one hand, we had something to give away, 'property' or 'ownership'; on the other, there were various claimants: the tribe, the clan, the village, the family, the individual. We were to give this article, this commodity, to one claimant, and then it was to be passed from hand to hand. The only difficulty lay in the order of succession. Where do you put your family? Before or after the village community?

To be serious, we know now, even if we did not always know, that this is much too simple. Before we have gone far back in our own history, the 'belongs' (if I may so say) of private law begins to blend with the 'belongs' of public law; ownership blends with lordship, rulership, sovereignty in the vague medieval *dominium*,

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and the vague medieval *communitas* seems to swallow up both the corporation and the group of co-owners. We know or are beginning to know this; but a particular example may bring it sharply before our minds. When King John granted the vill of Cambridge to the burgesses and their heirs, did he mean to confer an ownership of the soil upon a municipal corporation? One point seems certain. Neither John nor his chancellor would have understood the terms of our question. Both the right that is given and the person or persons to whom it is given are hazily and feebly conceived.

You know why I say 'person or persons.' I think that the historian of our towns will have to face that difficulty. Also I fancy that in this country lawyers have done something to deter historians from fairly facing it, by concealing from them its moral and economic interest. The invention of 'fictitious personality,' as it is sometimes called, is put before us as a feat of skill, an ingenious artifice of jurisprudence. The inference is readily drawn that it concerns only lawyers. But is that true? Can I in the few minutes that are left to me persuade you that, however meanly you may think of legal technicalities, there is a problem here which deserves patient and sympathetic investigation?

In 1833 Cambridge, like other boroughs, was visited by royal commissioners. Of Cambridge, as of most other boroughs, they reported some evil tidings. In Cambridge, however, they found what was rare, a member of the corporation who courageously defended what they regarded as a bad abuse: namely, the sale of some pieces of the corporation's land to corporators at small prices. 'He thought' we are told 'that the property [of the corporation] belonged *bona fide* to the corporation and that they had a right to do what they pleased with their own.' 'Such,' the commissioners exclaim, 'is the theory

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of a member of the Cambridge common council, which, however frequently it may have been acted upon, has seldom, we conceive, been openly supported by so unflinching an advocate[1].'

And yet the common-councillor's theory seems verbally plausible. The property of a corporation is unquestionably its property, and are we to be angry whenever a noun in the singular governs a verb in the plural? If so, we had better not read medieval records, for even *universitas* is sometimes treated as a 'noun of multitude[2].'

I must not carry further the defence of my fellow-townsman. Certainly in this context there is a vast difference between 'its' and 'theirs.' In our eyes this is a difference between decency and scandal. But I think we have reason to believe that it is also a difference between modernity and antiquity, and (if I may so use the words) between urbanity and rusticity. The common-councillor was ignoring a moral and economic achievement accomplished in the medieval boroughs, the differentiation of 'its' from 'ours.'

This was a moral and economic, not primarily a legal achievement. Legally the common-councillor was not so very far wrong. Our law, if I am not mistaken, had never dictated to the boroughs what they should do with their property: it had trusted to their honour. If, observing all constitutional forms, holding duly convened meetings and so forth, the corporators divided among themselves the income or the land of the corporation, they were, I believe, unpunishable and their acts were

[1] Munic. Corp. Report, App. vol. iv. p. 2199; A Digested Report of the Evidence as to the Corporation of Cambridge, published by H. Wallis, Cambridge, 1833, p. 63.

[2] Gierke, Genossenschaftsrecht, ii. 49, gives instances; *e.g.* 'controversia quam universitas villanorum in W. moverunt.'

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valid[1]. But, whatever may have been the law, we surely feel that in William IV.'s reign it was scandalous that the corporators of a great town should think, or act as though they thought, that the property of the corporation, or such remnants of it as had not been squandered, was their property: was their property morally, or as the common-councillor said, *bona fide.*

From a discourse on personality, the personality of the corporation aggregate, I shrink. Ought we to apply to it such adjectives as 'ideal,' 'moral,' 'mystical,' 'juristic,' 'fictitious,' 'artificial'? Is it not, on the other hand, as real as the personality of a man? Foreign lawyers, Romanists and Germanists, are disputing strenuously. A great deal of what they are saying is interesting to students of English history, though it is sometimes couched in terms which are more abstract than we like. Just because our own legal history has been continuous, just because there has been no violent breach between 'folk-law and jurist-law[2],' we have never been driven very far into what many of us would contemptuously call legal metaphysics, and I am not going to make the plunge. It is not of the technical shape which lawyers give to the idea, but of the economic and moral substratum that I am speaking. Such a substratum there is: in other words, men will not think of the group or the town as a person until this idea is forced upon them by business and projects and current notions of right and wrong.

[1] See Grant, Corporations (1850), p. 129 ff. Mr Grant, writing after the Municipal Reformation, seems to hold that the Court of Chancery would have interfered. But I can not find among his authorities any that proves this, and, if we consider what the corporations had actually been doing for a long time past, the silence of the law reports will seem eloquent. It will be understood that I am not speaking of cases in which a municipal corporation had been made a trustee for some definite purpose.

[2] It was, I believe, Beseler's Volksrecht und Juristenrecht (Leipzig, 1843) that opened the controversy about the nature of the German *Genossenschaft.*

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Now-a-days it is difficult to get the corporation out of our heads. If we look at the doings of our law courts, we may feel inclined to reverse a famous judgment and to say that while the individual is the unit of ancient, the corporation is the unit of modern law. In an university town the difficulty is perhaps at its worst. Oxford and Cambridge are peopled by 'group-persons.' We are not content with what the law does for us. Morally, though not legally, some at least of our multitudinous societies and clubs are persons. The law-student feels a little shock of surprise when he is told that his college is a person and that his college boat club is not—or rather, are not. The club, like the college, seems to have property, to owe and be owed money. The property of the club is not for him exactly and *bona fide* (as the common-councillor said) the property of its members—at least it is not so in all cases.

I say this because we ought to notice that if there is anything that should be called fiction in this matter—and I doubt it—we must not regard that fiction as the work of lawyers. On the contrary, at least in modern England, the lawyer is not the motive force, but the drag on the wheel, and must protest that the layman is (if you please) 'feigning' more rapidly than the law will allow. It is not the lawyer but the man of business who makes the mercantile firm into a person distinct from the sum of the partners[1]. It is the layman who complains that the club can not get its club-house without 'some lawyer's nonsense about trustees.' Such in these days is our

[1] Lindley, Partnership, Bk. i. ch. 7 (6th ed. p. 118): 'Commercial men and accountants are apt to look upon a firm in the light in which lawyers look upon a corporation, i.e. as a body distinct from the members composing it, and having rights and obligations distinct from those of its members....But this is not the legal notion of a firm. The firm is not recognized by lawyers as in any way distinct from the members composing it.'

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'propensity to feign' (if I may borrow a famous phrase) that the law can find no place for the new persons, the new *species* and *genera* of persons, whom we are daily calling into existence.

In passing I may observe that in England we have had a second legal expedient for dealing with the affairs of organized groups, an expedient of which our neighbours seem to know little or nothing: I mean the trust. In the fourteenth century, just when we were taking over from the canonists the dogma that the corporation must have its origin in some act of sovereign power, we were hard at work developing the trust, and soon it had become an useful instrument not only in the sphere of private law and family settlements, but also in the sphere of public or semi-public affairs and, if I may so say, of group-organizing law.

This by the way, for leaving the legal machinery out of sight, I would ask your attention for the underlying moral fact. We feel that the disclosures of 1833 were disgraceful. We observe also that few men have had the courage of this common-councillor. Very rarely in the great towns had the property of the corporation been frankly divided among the corporators. Too often it had been sold or let to them at an undervalue. The inadequate price or inadequate rent was a tribute paid to civic virtue. The corporators in the great towns had known and felt that the property of the corporation was not exactly their own *bona fide*[1].

But it is, so I think, with other feelings that we observe what had happened in some little towns, or rather villages, which long ago received a few chartered

[1] Munic. Corp. Rep. 1835, p. 45: 'Some sense of impropriety, indicated by the secrecy with which such transactions are conducted, has accompanied the execution of long leases for nominal considerations or the alienations in fee of the corporate property to individual corporators.'

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privileges from a medieval baron and therefore were allowed a precarious place on the roll of English boroughs. Economically they were rural villages. In one case we are told that 'most of the senior burgesses were in the rank of labourers[1].' Well, there used to be a common pasture; it had disappeared; it had been cut up into plots, which had been let on long and highly beneficial leases to burgesses, or rather villagers. Now I should like to put this to you as a question not of law, but of morals: Has any great wrong been done? Do you feel inclined to speak of misappropriation? For my own part I am not prepared to use very hard words, because I do not expect to find in a village community of an old type any clear perception of a difference between 'its' and 'theirs,' and, if such a perception I found, I should doubt that it was born in the village.

Perhaps then our best comment on the common-councillor's apology would be *summa rusticitas*[2].

[1] Munic. Corp. Rep. 1835, App. vol. i. p. 289 (Laugharne).

[2] I do not mean to imply that the distinction between the property of a corporation and the property of the corporators must always represent a deep moral difference. The modern incorporated trading company aims at making gain which is to be divided between the corporators. They, if unanimous, may put an end to the corporation, and, when its debts have been paid, divide its property; indeed our law enables a majority of a certain strength to extinguish the corporation against the wishes of the few. Here the distinction between 'its' and 'theirs' may be highly technical, and may sometimes be ignored in common discourse. When the idea of a corporation has once been fashioned, it can be employed for the most various purposes; but I do not think that this idea could be fashioned until current morality had perceived that the Town had property which was not co-owned by the existing burgesses. See Gierke, Genossenschaftsrecht, ii. 573 ff. It will also be understood that I am not an apologist of all that was done in the small boroughs and disclosed by the Reports of 1835 and 1880. Beneficial leases to corporators are not so easily defensible as would have been a frank and final distribution of the common land among the members of the community.

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II.

The borough community is corporate; the village community is not. This is a real and important difference. In the fifteenth century it stands out in the clear light. A form of thought has been fashioned in which it can be expressed. There were sentences in the Digest which had set men thinking: in particular, a sentence which sharply distinguished between the debts due to or from the *universitas* and the debts due to or from the *singuli*[1]. The canonists had been making a theory. The body corporate is a 'fictitious person' and owes its personality to some act of sovereign power. Sinibald Fieschi, who in 1243 became Pope Innocent IV., was, it is said, the first to proclaim in so many words that the *universitas* is *persona ficta*.

That theory bore fruit here. Incorporation must be the outcome of royal charter. The royal charters that are granted to our towns begin to use definitely creative words. The king makes something. He constitutes and erects a body corporate and politic in deed, fact and name (*in re, facto et nomine*). It has been common to reckon a charter granted in 1439 by Henry VI. to the men of Hull as the first definite instance of municipal incorporation; but in truth, as Dr Gross has shown, lawyers had been gradually adopting a theory and fashioning a formula[2].

[1] Dig. 3. 4. 7 § 1 (Ulpian): 'Si quid universitati debetur, singulis non debetur: nec quod debet universitas singuli debent.'

[2] Gross, Gild Merchant, i. 93 ff.: 'It can be demonstrated that towns were formally incorporated a century earlier. True the formula of incorporation differs somewhat from that of Henry the Sixth's charters, being much simpler than the latter; but this was due to the fact that the jurists had not yet shrouded the notion in misty complexity.' Dr Gross has done

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Now I think it very true to say with the Bishop of Oxford that the ancient boroughs of England were corporate some while before the days of Henry VI.[1] The lawyers have to admit it. They allow that the corporate character can be, and in the case of many great towns has been, gained 'by prescription,' and the old boroughs were in no hurry to buy new charters containing the creative formula. In 1605 Cambridge and Oxford within a few months of each other secured it[2]. The two Universities had secured it by Act of Parliament in 1571[3]. The case of our colleges is very similar to that of our towns. It would be a good work to print a series of collegiate beside a series of burghal charters. The college that is founded in the fifteenth century, for instance, the King's College at Cambridge, will be solemnly made one body corporate and politic in deed, fact and name, and be told that it may have a common seal. In the thirteenth century the scholars of Walter of Merton or Hugh of Balsham might want something from the king, for instance, leave to hold land in mortmain; but they did not

us a great service by illustrating the evolution of the formula; but the words by which he has described the process are hardly those that I should have chosen. To my mind, the movement is from vagueness towards simplicity, though it is also a movement from curtness to verbosity.

[1] Stubbs, Const. Hist. iii. 605: 'Thus viewed, all the ancient boroughs of England, or nearly all, must have possessed all the rights of corporations and have been corporations by prescription long before the reign of Henry VI.'

[2] Cambridge, 30 Ap. 1605, Cooper, Annals, iii. 17; Oxford, 29 July, 1605, Ogle, Royal Letters, p. 228.

[3] Stat. 13 Eliz. c. 29: An Acte for Thincorporation of bothe Thuniversyties. The bull of 1318 which Cambridge obtained from John XXII. (Fuller, Hist. Camb. p. 35; Bliss, Calendar of Papal Registers, ii. 172) says: 'Statuimus ut in predicto loco...sit de cetero studium generale. Volentes... quod collegium magistrorum et scholarium eiusdem studii universitas sit censenda, et omnibus iuribus gaudeat quibus gaudere potest et debet universitas quecunque legitime ordinata.' Nevertheless, what the Cambridge masters sought at the pope's hand was more probably an authoritative right to teach than what we mean by 'incorporation.'

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want incorporation. Nobody, no body, wanted it. In 1311, as Mr Rashdall tells us, the scholars of William of Durham borrowed a seal, having none of their own[1]. Legal theory registers the accomplished fact.

It takes a great poet to put this well.

> Justinian's Pandects only make precise
> What simply sparkled in men's eyes before,
> Twitched in their brow or quivered on their lip,
> Waited the speech they called but would not come[2].

I do not say that the result was wholly admirable. Some phrases were borrowed from the Italian decretists which might well have been left alone. But articulate speech had come at last to the help of twitching brows and quivering lips.

Let us admit then that the corporateness of the old boroughs was not manufactured but grew and is perceptibly older than the charter for Hull. On the other hand, there seems to be some danger in these days that we may misplace and antedate those thoughts and feelings and practices which are the essence of corporateness, and by so doing may turn history inside out.

There are some who would have us believe that groups, families, clans, rather than individual men, were the oldest 'units' of law: that there was law for groups long ages before there was law for individuals. In the earliest stage, we are told, all is 'collective.' Neither crime nor debt, neither property nor marriage nor paternity can be ascribed to the individual. Far rather the

[1] Rashdall, Universities, ii. 471; William Smith, Annals of University College (1728), p. 46. A nascent belief that the corporate character must have an authoritative origin is marked by a writ of 1348 for Gonville Hall; Documents relating to the University and Colleges of Cambridge, ii. 213. Edward III. says: 'Concessimus...eidem Edmundo...quod ipse collegium predictum...de novo erigere et creare *et nomen eidem collegio imponere*... possit.'

[2] Browning, The Ring and the Book, Count Guido, 1781.

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group itself, the clan or family, is the one and only subject of rights and duties[1].

Now I can not help fancying that a laudable reaction against the individualism of Natural Law has carried some of us into extravagant phrases. To me it seems that the supposed law for groups, whenever it becomes concrete and practicable, is found to involve a great deal of law for individuals, and sometimes of law that looks suspiciously modern. Sir Henry Maine has said that 'the Family, in fact, was a Corporation.' But then, he has also told us that 'the Patriarch, for we must not yet call him the Pater-familias,' was a 'trustee for his children and kindred,' and 'in the eye of the law' represented the collective body[2]. This patriarchal trustee, who represents a corporation, looks to me, I must confess it, suspiciously modern. He may be a savage, but he is in full evening dress. At any rate, however, he is an individual man; and, if he is treated as trustee and representative, there is law enough for individuals and to spare.

[1] Post, Bausteine für eine allgemeine Rechtswissenschaft, i. 74: 'In den primitivsten, auf Blutsverwandtschaft gestützten ethnisch-morphologischen Verbänden giebt es überall kein individuelles Recht und keine individuelle Pflicht. Man findet hier weder ein individuelles Verbrechen, noch eine individuelle Schuld, weder ein individuelles Eigenthum, noch eine individuelle Ehe oder Vaterschaft. Vielmehr ist der Verband selbst, das Geschlecht oder der Stamm als Ganzes hier alleiniges Rechtsubject; er allein hat Rechte und Pflichten, und zwar nach Analogie der heutigen völkerrechtlichen Rechte und Pflichten.'

[2] Maine, Ancient Law, ed. 6, p. 184: 'But though the Patriarch, for we must not yet call him the Pater-familias, had rights thus extensive, it is impossible to doubt that he lay under an equal amplitude of obligations. If he governed the family, it was for its behoof. If he was lord of its possessions, he held them as trustee for his children and kindred. He had no privilege or position distinct from that conferred on him by his relation to the petty commonwealth which he governed. The Family, in fact, was a Corporation; and he was its representative or, we might almost say, its Public officer. He enjoyed rights and stood under duties, but the rights and the duties were, in the contemplation of his fellow-citizens and in the eye of the law, quite as much those of the collective body as his own.'

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If we speak, we must speak with words; if we think, we must think with thoughts. We are moderns and our words and thoughts can not but be modern. Perhaps, as Mr Gilbert once suggested, it is too late for us to be early English. Every thought will be too sharp, every word will imply too many contrasts. We must, it is to be feared, use many words and qualify our every statement until we have almost contradicted it. The outcome will not be so graceful, so lucid, as Maine's Ancient Law.

But just in this matter of archaic 'corporations,' what I think we should demand before we let the phrase pass is some proof that the men who constitute the group are prepared to contrast what Dr Gierke calls the all of unity with the all of plurality, to contrast an 'its' with an 'ours,' or to say that though this land is ours in a certain sense, it is not ours in another sense, for we are not co-owners of it.

This is the contrast which emerges in the medieval boroughs slowly and painfully. Less help than we might have expected had been given by the example of religious groups, religious houses. For one thing, the group that was in the strictest sense 'religious' was too monarchical to be instructive; the abbot's will was the abbey's will. Then again, in the ecclesiastical sphere the dead yet living saint could appear as a person to whom rights and duties and even wrongful acts[1] might be attributed. No such supernatural aid would come to the burgesses in their effort to separate their unity from their plurality. I need not say that there were no joint-stock companies to serve as a model.

The borough community is corporate; the village community is not. Some injustice will be done by every distinction of this sort. Law sees differences of kind

[1] D. B. ii. 13: 'Aliam Nessetocham tenuit Turstinus Ruffus...modo Sanctus Paulus invasit.'

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where nature has made differences of degree. Some little accident might throw a township on one side of the line or the other. No accurately exhaustive list of our corporate boroughs ever was or could be made[1]. But in rough, so it seems to me, the law was right. The village community was not corporate. Corporateness came of urban life.

If I say a few words about the English village of the oldest time, they will be said very diffidently: the more diffidently because I feel the temptation to take a side and knowingly yield to it. Admitting that there are in this village both unity and plurality, if I in some sort plead the cause of plurality, this will be because our natural tendency is to overestimate the unity. No sooner have we allowed, as allow, I think, we must, that the land belongs to a community, than our modern brains are at work conferring ownership upon a corporation. The Village, with a capital *V*, has land. Its land is owned by an 'it' whose will is manifested in the votes of an assembly.

I fear that we are instilling into our primitive village thoughts which even in the boroughs of the twelfth century were waiting a speech that would not come.

Now, in the first place, I can not see the English village of the remotest days as populous. I doubt we ought often to suppose more than some ten to fifteen households, and I think it no paradox but a very simple truth that the fewer our numbers, the further we are from any constitutional unity. It is the crowded town that is one: a Town with a capital *T*. When there is

[1] As our law admitted that the corporate character might be acquired by prescription, there was always a chance that it would be claimed on behalf of some town for the first time, and, as a matter of fact, the commissioners of 1833 and 1880 found the line obscure.

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no longer any hope of continuous agreement, then comes the demand for and the possibility of an organic union, a permanent habit of agreeing to differ and yet to be permanently one.

Mere numbers are important. I am persuaded that we hurry the history both of our villages and of our towns because we fill them too full. There are some thoughts which will not come to men who are not tightly packed.

Then it should be remembered that we are tempted or compelled to draw inferences about free villages, from villages that are not free. We see the village of the thirteenth century. We see it in its 'extents' and its court rolls, with a good deal of organization. But it is no longer a free, a lordless village. Far otherwise; most of its inhabitants are the lord's bond-men, his *nativi*. By a mental process we remove the lord and set the villeins free. Too often, so it seems to me, we make these changes and suppose that all else will remain unchanged, that the organization, the bye-laws, the court, will remain, though the lord has gone. But does not the village owe much of its compactness to its lord? His hall has become a centre for this little world. If we remove that hall, the village will not be disintegrated, but it will be decentralized.

I am not very hopeful of a portable village community which we might take about with us from one quarter of the globe to another. A Natural History of Institutions is a fascinating ideal, but we must have a care or our Natural History will bear to real history the relation that Natural Law bore to real law. Explorations in foreign climes may often tell us what to look for, but never what to find. If we have to consider the village community as organism, we must consider it also as organ or member of a larger whole. We must not transplant it unless we

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are prepared to take with it much that is not-itself. That our own village community of the oldest time had no jurisdiction, no power of speaking right, of deeming dooms, must I think be admitted: Dr Stubbs has said as much[1]. Therefore, before we borrow traits from remote lands, the jurisdictional and governmental scheme that prevails there should be examined.

Then I think that we underrate the automatism of ancient agriculture and of ancient government. So far as the arable land is concerned, the common-field husbandry, when once it has been started, requires little regulation. We see that in our Cambridge case. In 1803 there was no court, no assembly, which had been habitually regulating the husbandry of the Cambridge field. There lay the difficulty. Had there been such a court, its lord would have been an obvious lord for the field, an obvious owner for the odds and ends of waste. But for some centuries the common-field husbandry had needed no regulation; it had been maintaining itself.

The truth is that if you have cut up a field into acre-strips, given a parcel of dispersed strips to each of many men and given to each man a right to turn out his beasts on the whole field during a certain part of the year, you have made an arrangement which maintains itself with unhappy ease. These men must follow the accustomed course. If one man strives to break through it, he must straightway trample on his neighbour's crops or suffer

[1] Stubbs, Const. Hist. i. § 43: 'In all these forms and relations the townsmen retain their right of meeting and exercising some sorts of judicial work, although, until the criminal jurisdiction in court leet comes to the lords of manors by special grant, their participation in such matters is of the character simply of police agency. Their assemblies are rather *gemots* or meetings than proper courts; for any contentious proceedings among men so closely connected and so few in number must have been carried immediately to the hundred court.'

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his own to be trampled on, for only as a rare exception is there a beaten way to a strip. Something can be done by exchanges and by buying out the small people; but the common-field husbandry can maintain itself for centuries after every one has called it a nuisance[1].

When we come to the pasture land, we see more room and more need for regulation: also we seem to see a room and a need for a communal or corporate ownership. In old days, however, the pasture is apt to appear as a mere appurtenance of the arable. The arable feeds men; the pasture feeds the beasts which till the arable. Add to this that the whole scheme of scattering the acre-strips has aimed at equality or proportionality. Tenements are to be equal in size and value, or the noble man is to have just twice or thrice what the common man has. Thus we easily arrive at a measure for pasture rights. The man with a full tenement may turn out so many beasts; the man with half a tenement may turn out half as many. 'Every person having six score acres of land in Cambridge field may have on the commons six horses or bullocks, and so in proportion for any greater or less quantity of land': so say Mr Mayor and Mr Vice-Chancellor in 1624. Where your village community becomes a borough community this old method of admeasurement is likely to break down, and we may fairly be surprised to find it in the Cambridge of James I.'s day. But if and so long as your village

[1] John Smyth, in his Lives of the Berkeleys, i. 113–4, states that in the Severn valley a general custom was established which permitted a land-owner to inclose his strips in the open fields if he would renounce a proportionate part of his right to depasture other strips. 'All along this tract of ground, wee inclose, convert and keepe in severall to ourselves, our ground which before laye open with the comon feilds, under prescription of mos patriae, the custome of the countrey: abridginge withall ourselves of ratable comon for sheep and other cattle, according to the acres of our enclosures.'

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community is purely agricultural, this plan is equitable and likely to be permanent. The freeholder's 'ancient arable' becomes the base and measure of his pasture rights.

As with rights, so with duties. Equality or proportionality having been established, all manner of problems solve themselves. Simple arithmetic reigns over the village. A tax or duty that is cast upon the village divides itself spontaneously.

Let it not escape us that a communistic division of the fruits of the earth must have been far from the minds of those who cut up the field into countless strips and endeavoured to secure an exact equality by giving to every man a large number of dispersed fragments. The obvious advantages of larger allotments were sacrificed, in order that all the 'husbands' might have a fair start. They were to have a fair start, because each was to live of his own.

There remains the ownership of the pasture. It remains, and, as the case of Cambridge will show us, it can remain feebly conceived for long ages.

Legal ideas never reach very far beyond practical needs. Now-a-days we are persuaded that the ownership of the soil stretches down into the depths of the earth, and the mines that men dig are very deep. I suppose that the landowner may lawfully dig deeper and deeper still until he reaches that centre where all earthly ownerships are subtending acute angles. There he might be stopped by the rights of the antipodes. But put the case that, if he went straight on, he would come out in the ownerless high seas. We can afford to leave that case undecided. Even so the ownership of the pasture can go a-begging, can be unapprehended or but feebly apprehended, until people want to do something that is new.

A definitely conceived indefiniteness seems the

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essence of our modern notion of ownership. The owner may do with the land whatever is not forbidden. In this he differs from the man who may do just one thing with it: the man who has a right of way or right of pasture. Now this indefiniteness of ownership is definitely conceived, because now-a-days there really are hundreds of different uses to which a man may put his land. Remove this possibility, which is the creature of science and art, and is not ownership as we conceive it nearly gone? Has it not lost its characteristic indefiniteness and fallen to the level of a right of way or right of pasture?

We should remember this when we are tracing the growth of seignorial power. The king's or the lord's rights over the land can grow without any one being despoiled of what he feels to be his. What is at stake is not the felt present but a remote and unsuspected future. Who will own the minerals under a field? That is not an interesting, it is hardly a possible, question until their value has been discovered.

Rights which seem to us to be of utterly different kinds can blend together when land is fated, as it were, to be used in one way and one only. The man who is reaping his acre-strip will be able to enjoy some of the forth-coming bread and beer; but not all of it; the king will come round for his share. The king has a right that he can give away; he may give it to one of his thegns or to a bishop. Call it governmental, call it proprietary, call it what you will, it ends in bread and beer; and that is where the cultivator's right ends. We may easily have an ownership and several over-ownerships, just because all of them lack the definitely conceived indefiniteness of modern ownership[1].

[1] In illustration of what has been urged in Domesday Book and Beyond touching the Anglo-Saxon king's 'alienable superiority,' I can now refer to

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Perhaps it is not always sufficiently remembered that at the present day almost all the land in the world 'belongs' to 'communities.' There is the international 'belongs.' The whole force of a highly organized community will be employed to prevent one yard of the soil of France from being—shall I say 'appropriated' by another state? That word may serve to reproduce the old haze. But now-a-days we expect of a conquering state that it will not appropriate in one sense what it appropriates in another; we expect that as a general rule the old owners of the fields and houses will be suffered to own them still. Sovereignty has been transferred; ownership is where it was. However, we have only to go back to the last century in order to see that this international 'belongs' has been regarded as being very like any other 'belongs.' The story of the map of Europe is upon the surface a story of inheritance, conveyance, dower and marriage portion.

A piece of land 'belongs' to a county. The county council resists a proposal that this tract should be torn from it and given to its neighbour. Cambridgeshire and in a certain sense 'the men of Cambridgeshire' have lately lost part of their territory. This, we say, is not a matter of property; it is a matter of local rates. But transfer the dispute to an age when there is an earl entitled to the third penny of the county; straightway it takes a proprietary tinge; we are proposing to diminish his county and his income.

Mr Baden-Powell's, Indian Village Community, pp. 207–213: 'It became a recognised attribute of the ruling power that, as a matter of custom, it had the combined right to the share of the produce, the right to the waste, and the right to tolls and transit dues. This aggregate of rights was...spoken of as *the Zamíndárí*.... The old State-right, or Zamíndárí was magnified into a general superior ownership.... An extremely vague notion prevailed as to *ownership in the soil*.... A claim to a certain share of the *produce* is the tangible element and apparent symbol of right rather than any theory of *soil* ownership, whether individual or collective.'

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A municipal corporation owns a few, but only a few, of the houses in the town. Over the whole town it exercises a certain governmental power. We have here two different ideas; they can be sharply contrasted. For one thing, we are accustomed to think that the governmental power is delegated by the state. That notion of delegation will grow faint as we go backwards. There will be a sort of lordship over the whole town, and of a few houses there will be landlordship.

Landlord: we make one word of it and throw a strong accent on the first syllable. The lordliness has evaporated; but it was there once. Ownership has come out brightly and intensely; the element of superiority, of government, has vanished; or rather it is in other hands.

What therefore we have to watch in early times is not the transfer of something, some thing, called ownership from one sort of 'units' to another. It is the crystallization round several different centres and in very different shapes of that vague 'belongs' which contains both public power and private right, power over persons, right in things. And I must confess to doubting whether in the common course a crystal of which we can say 'This is ownership and it is nothing but ownership' forms at all until it forms round the individual man. He has a great advantage. He is the only unit in which there is no plurality.

The struggle of ownership and rulership to free themselves from each other, a struggle which pervades both the life and the thought of the middle ages, could hardly be better illustrated than it is in the work of an Oxford philosopher and Chancellor[1], Richard Fitz Ralph, Archbishop of Armagh. With Mr Poole for guide, you can not miss the point. If in the fourteenth century

[1] Dict. Nat. Biog. xix. 194.

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we are to compose this sad dispute about evangelical poverty and pacify the Christian world, we must go deep, we must analyze our ideas, we must define *dominium*, we must define *proprietas*. Not every *dominium* is *proprietas*. There is a baron with a barony; above stand count, duke, king. Each of the four has a *dominium* over the land, but only the baron's *dominium* is a *proprietas* of the land, for he has an immediate *dominium* and the other *dominia* are mediate. Then, however, we must admit that count, duke and king, each of them has a *proprietas* (that is, an immediate *dominium*), not in the land, but in his *dominium*: a property in his lordship. Thus for this acute speculator ownership and rulership are but phases of one idea, and this though the Digest has been lying open these two centuries and more. All political power exhibits proprietary traits, and every ownership of land is actually or potentially a right of governing and doing justice[1].

But, to return to our pastures. Are not 'the green commons' of the village too common to be owned by a community? Perhaps I put the question ill; but in one form or another it should be put, for popular expositions of the village community will sometimes leave this question in the happy haze of 'collective ownership.' Now I am very ready to believe that haze is its native atmosphere, and that, when we have plucked it out and inspected it in the modern daylight, we

[1] See the portions of Fitz Ralph's treatise *De Pauperie Salvatoris* printed at the end of Mr Poole's edition of Wyclyffe's *De Dominio Divino*, pp. 279, 467. The king's right to tax the baron appears as an use which the king makes of the revenues (*redditus*) of the land. The conversion of a lordship or seignory into an incorporeal thing is familiar to students of English law. For the slow differentiation of rulership and ownership see Gierke, Genossenschaftsrecht, iii. 616. A *dominium ratione iurisdictionis et gubernationis* is distinguished from a *dominium ratione proprietatis*. At last Jacobus Almainus (ob. 1515) says: *proprietas et imperium nulla societate coniunguntur*.

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must once more tenderly put it back into the medieval muddle. That seems to me a work which Dr Gierke has been admirably performing in his fascinating book. Only let us know that haze is haze. May be there is an element of co-ownership in the case and an element of corporate ownership. May be our ancestors did not distinguish the all which is plurality from the all which is unity[1]. But we must. If we do not, we ought to applaud the common-councillor who says that the property of a municipal corporation is *bona fide* 'their' property.

When in 1835 Parliament took the municipal corporations in hand, it taught them that their revenues were to be expended 'for the public benefit of the inhabitants of the towns[2].' The public, not the common, benefit. Had the word *common* been used, might not the inhabitants have divided the income among themselves? But that is the word which haunts us in the middle ages. Even in the boroughs the common bell calls the commons of the town from the common streets and the green commons to the common hall, and in common hall assembled they set their common seal to a lease of their common land, for which a fine is paid into their common chest. All is common; nothing public; the English for *res publica* is commonwealth; the public house was once a common inn. But what is common to us, is it not partly yours and partly mine? We are tempted to think so.

[1] Genossenschaftsrecht, ii. 47: 'so steckt in dem Einen Begriff der Gesammtheit ungetrennt und untrennbar noch das doppelte Merkmal, dass sie einheitliche Allgemeinheit und vielheitliche Summe von Individuen ist.'

[2] Municipal Corporations Act, 1835, sec. 92: 'and in case the borough fund shall be more than sufficient for the purposes aforesaid, the surplus thereof shall be applied, under the direction of the Council, for the public benefit of the inhabitants and improvement of the borough.' This is now represented by Mun. Corp. Act, 1882, sec. 143.

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Suppose that we place a pure and unfettered ownership of the pastures in an *universitas* of villagers. Will their idea of community be realized if the pasture rights of the *singuli* are at the mercy of the assembled body? These rights are so necessary to every husbandman that any decisive exhibition of that ownership which we attribute to the *universitas* must go far towards destroying the bond which holds these men together.

I believe that before the Reformation of 1835 there were some boroughs in which the pasture land stood absolutely at the disposal of the municipal corporation[1]. The individual burgess merely because he was a burgess was allowed to turn out beasts upon this land, but he had no right which hampered the power of the corporation to sell the land or put it to some other use. Such right as he had we might compare to the right that the fellow of a college has to sit in the 'common' room or play at bowls in the college garden. But you will, I think, find that even in the boroughs this supremacy of the corporate One over the pasture rights of the plural Many marks a late and high and distinctively urban stage of development; and at the present time there are good reasons why a prudent lecturer should not say that such supremacy existed in any particular borough. All that we know of the rural arrangements of medieval England warns us that the fellow's right to play at bowls in the college garden, a right which would disappear if a resolution in favour of new buildings were carried by a majority of one, must not be our model when we think of the hidesman's right to feed his cattle on the 'common' land.

Thus the element of unity that there is in the village may soon begin to appear as a mere power of government and regulation, and instead of a proprietary

[1] See Append. §§ 138—143.

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corporation we may find what we call a 'local authority,' an organ of subordinate government. The transition is easy because the line between public and private law is not drawn, is not felt. Am I putting this clumsily and pedantically? Let me give an example. The pig, which plays a troublesome part in the medieval town, may serve. Now suppose that some town council or parish council forbids me to keep a pig in my back-yard. It no more claims a proprietary right in my back-yard than it claims a proprietary right in my pig. But if a village moot forbids the villagers to put pigs on the common, because pigs rout up the ground, this is a more ambiguous act. We may see in it a proprietary claim, a claim to own the waste and decide what shall be done with it, or merely a claim to that sort of police power which endeavours to prevent harm by ringing pigs and muzzling dogs. Especially if there is a lord pressing forward his right to all that is not definitely appropriated, the old right of the community may take this turn towards a merely regulative power, which in the end may be regarded as delegated by the state.

To us a crucial question would be: What are the powers of a majority? There should apparently be some sphere within which the will of the majority should prevail, and then there should be indefeasible rights. But we have every reason to believe that this question was obscured from view.

One of the great books that remain to be written is The History of the Majority. Our habit of treating the voice of a majority as equivalent to the voice of an all is so deeply engrained that we hardly think that it has a history. But a history it has, and there is fiction there: not fiction if that term implies falsehood or caprice, but a slow extension of old words and old

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thoughts beyond the old facts. In the earlier middle ages it is unanimity that is wanted; it is unanimity that is chronicled; it is unanimity that is after a sort obtained. A shout is the test, and in form it is the primary test to-day in the House of Commons. But the few should not go on shouting when they know that they are few. If they do, measures can be taken to make them hold their peace. In the end the assembly has but one voice, one audible voice; it is unanimous. The transition to a process which merely counts heads or hands is the slower because in some manner that no arithmetic can express the voices of the older, wiser, more worshipful, more substantial men are the weightiest. The disputed, the double elections that we read of in every quarter, from the papal and imperial downwards, tell a very curious story of constitutional immaturity. But until men will say plainly that a vote carried by a majority of one is for certain purposes every whit as effectual as an unanimous vote, one main contrast between corporate ownership and mere community escapes them[1].

In an immobile state of society this contrast and many other contrasts may remain latent for a long while. As a test of ownership we are wont to think of alienability. But if the villagers once meditate an alienation of their pasture land the existence of the community is already in jeopardy. As a matter of fact (such is my guess) the ownership of the waste land was in most cases crystallizing round another centre, the lord to whom the village had been 'booked' by the king. There was no awkward plurality in him. Between village and borough there is no insuperable gulf, and, if our villages had remained lordless they might perhaps in course of time have exhibited the decisive symptoms of corporate

[1] As to all this matter, see Gierke, Genossenschaftsrecht, ii. 478 ff.

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unity; but I imagine that in the old days the community was too automatic to be autonomous, too homogeneous to be highly organized, too deeply immersed in commonness to be clearly corporate, too plural to be legal unit, too few to be one. And at any rate I feel that we shall hardly take an interest of the right kind in the history of our boroughs, unless we are first persuaded that many ideas which are in all our heads and inexpugnable therefrom first came to light and dominance in urban life.

III.

Was Oxford to become 'a military centre'? A few years ago when that question was in debate, Mr Freeman said some memorable words about the ignorance of those who seemed to think that 'if there had been no university, there would have been no Oxford at all.' These people, he said, would be amazed if they were told that for ages before the first germs of the university showed themselves, Oxford was 'a military centre and a political centre, a centre in the very strictest of senses[1].' Those words seem to me to go to the heart of an important matter.

I am far from thinking that any one history should be told of all our boroughs. Little could be said of Canterbury and Lincoln that would be true of Birmingham or of Brighton. Even if we take account only of those towns which are called *civitates* or *burgi* in Domesday Book, it is probable, if not certain, that we have a miscellaneous class before us. Nevertheless it seems to me that throughout a wide tract of England there were in 1086 no boroughs which were not or had not

[1] Freeman, English Towns and Districts, 238.

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been in some distinct and legal sense the centres of districts, the chief towns of shires. Cambridge was one of them.

Oxfordshire, capital Oxford; Bedfordshire, capital Bedford; Hertfordshire, capital Hertford; Staffordshire, capital Stafford; Herefordshire, capital Hereford. I hope that children still 'say their counties' in that way. It is a way that takes us far back. The shire has a burh, a borough. For choice it stands at a ford. Shire and burh are knit together. The shire maintains the burh; the burh defends the shire.

Cambridgeshire, capital Cambridge. The town is cut in two by the river. The river is spanned by a bridge. Until lately we called it the Great Bridge. Dwellers on the Thames may look at it with contemptuous eyes; but in some sort it is the most famous bridge in England: the one bridge that gives name to a county.

The duty of maintaining that bridge lay upon the county; the lands of the shire owed it bridge-boot, or, to use a later phrase, they owed it pontage. Many lands had in course of time secured a chartered or prescriptive immunity from the charge, but in the middle of the last century those which were not free contributed according to their hidage. For example, in 1752 the Duke of Bedford paid £36 for six hides of land in Dry Drayton; it was the boot that they owed to the Great Bridge[1].

Just above the bridge rises the mound that is in the narrowest sense the burh of Cambridge. The castle has come and gone; the old burh remains. But it is not in Cambridge; it is in Chesterton, a vill whose nucleus lies a mile or so away[2]. Is Oxford castle in Oxford?

[1] Cooper, Annals, iv. 286. The pontage accounts are among the Bowtell MSS. at Downing College.

[2] Ibid. ii. 132 (from Meres's Diary): in 1557 'Chesterton procession came into the castle yarde' during the Gang Week. The theory that the castle is in Chesterton was, I take it, inferentially obtained from the fact

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Cambridge castle was not in Cambridge: that is to say, it was not within the 'town' that was granted to the burgesses; and I believe that the castle precinct, 'the castle fee,' has seldom been for all legal purposes a piece of a borough. Cambridge castle was guarded by knights whose lands, like those which owed the pontage, were scattered about in various parts of the county.

I have ventured to argue before now that the connexion between shire and borough lies near the root of the difference between the boroughs and the other vills[1]. May I say one word about this connexion in later days? I think that we sometimes make undue haste to cut the boroughs loose from their counties. I need not say that the ordinary borough was economically dependent on the neighbourhood. Its market was a district-market and no world-market. But further, many of those ancient boroughs which deserve our best attention were economically dependent on the county's organization. If you wanted to discover the place where the shire moot was held, what should you do? I think that I should begin by asking a policeman my way to the county gaol. Legally, it may be, outside the borough, but for economic purposes within the borough, we should often find the spot, where in century after century the great people of the shire met month by month, and where the king's justices sometimes sat for a month at a time with 'the whole county' before them. In Cambridge (or rather, as a matter of law, just outside Cambridge) there stood an old wooden 'shire house' at the foot of the castle mound[2].

that the castle was not within 'the liberties' granted to the townsfolk. Every piece of land ought to be in some vill, and, if the castle is not in Cambridge, clearly it must be in Chesterton.

[1] Domesday Book and Beyond, p. 172.

[2] Hughes, Cambridge Castle, Camb. Antiq. Soc. Proc. viii. 188. This was demolished in 1747 when the county justices advanced into the middle

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The burghers' talk about excluding the sheriff must not deceive us. They do not want him to meddle with their affairs; but there would be a piteous outcry if he held his court elsewhere[1]. Cambridge is the right and proper moot-stow for the thegns of the shire, and has been so ever since those thegns formed a famous gild. The shire moot wanes; but the quarter sessions of the shire thegns become important. The borough is still the centre of the county's business. The county elections, the county assizes, the county sessions, these all bring in thegns and money to the borough. And the influence of the thegns does not end there. Slowly, as a seat in Parliament becomes covetable, they begin to take but too deep an interest in the affairs of the borough. Ultimately a Cambridgeshire thegn who lived at Cheveley, the Duke of Rutland, became the 'patron' (*dominus et advocatus* we might say) of the borough of Cambridge, and I have heard tell that elections in the city of Oxford sometimes coincided with the wishes of an Oxfordshire thegn who lived near Woodstock.

In Lewis's Topographical Dictionary I read of Cambridge that 'the townhall...is obscurely situated behind the shire-hall,' for the shire thegns had abandoned their old house by the castle and made a new one right in the middle of the borough. This is a symbolic truth: the town-hall is obscurely situated behind the shire-hall. In 1833 we are told that the borough court has fallen into discredit and disuse, while the county court—not a 'new county court,' but our old friend the shire moot—is still

of the town. They retired again to the castle precinct in 1842. Cooper, Annals, ii. 279; iv. 19, 258.

[1] Merewether and Stephens, Hist. Boroughs, i. 468: 'The king [in 1256] granted to the good men of Guildford and their heirs that the county court of Surrey should for ever be held in the town of Guildford; and that the justices itinerant should hold the pleas of the county and assizes of all the county in that town.'

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doing useful work in Cambridge as an exactor of small debts[1]. For good and ill, borough and shire have been bound together. And after many centuries, standing either at Oxford or at Cambridge, we may still ask *Quis separabit?*

The market is another link: and it is a legal link. Men are not to buy and sell elsewhere: that is to say, if they buy elsewhere they imperil their necks. Cattle-lifting must be suppressed. Men must buy cattle before a court of law or before official witnesses in a borough, or else they must take the risk of being treated as thieves. That is, I think, the original principle. But very soon it is evident that a market implies toll, also that a market benefits the vill in which it is held. Henry I. bans the trade of Cambridgeshire to the borough of Cambridge: 'I forbid any boat to ply at any hithe of Cambridgeshire, except at the hithe of my borough of Cambridge, neither shall carts be laden unless in the borough of Cambridge, nor shall any take toll elsewhere, but only there[2].'

We must not, however, be in a hurry to see an urban element wherever we see a market. It is a market for raw produce: corn-market, pease-market, hay-market, beast-market, hog-market for the neighbourhood. The names of the streets will tell the tale.

Burgum de Grentebrige pro uno hundret se defendit[3]. Mr Round has explained what this means. The borough pays geld for a hundred hides[4], pays, that is, full ten times as much as an average vill in Cambridgeshire would pay;

[1] Digested Report of Evidence given before the Commissioners, Cambridge, 1833, p. 95: 'Mr Harris said the county court is held in Cambridge and is much practised in for recovery of debts under forty shillings.' Report, 1835, App. vol. iv. p. 2192.

[2] Append. § 155.

[3] D. B. i. 189.

[4] Round in Domesday Studies, i. 117 ff.; also Round, Feudal England, 156.

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it pays as much as is paid by one of our perfect Cambridgeshire hundreds that have just their hundred hides. But further, it is jurisdictionally a hundred; it has a court which stands on a level with the hundred courts. I can not find that Cambridge has ever been deemed a part of any of the adjacent hundreds, and by Cambridge I mean some five square miles of land. Five hundreds touch that tract; they converge upon it; but it lies outside them all[1].

The borough is a vill which is a hundred; or it is a vill which has an organization similar to that of a hundred. This idea is familiar to us; it is in our classical book[2]. Perhaps it is a little too familiar, for is there not here a new departure in the history of institutions? We are to have a *tún*, a vill, with a jurisdictional organ, with a moot that can speak law. Ought we not to ask what thought lies behind this vill that is a hundred? Will it be fantastic to compare small beginnings with a great achievement?

The city of Washington is not in any of the united states of North America. Why not? Because it is the moot-stow of the great republic. The *civitas* of Cambridge is not in any of the hundreds. Why not? Because it is the county's town, the moot-stow, fortress and port of the republic of Cambridgeshire. I hasten to say that I did not invent that phrase; it is eight centuries old. In the Conqueror's day the church of Ely claimed the

[1] Fleamdyke Hundred (Ditton, Cherry Hinton), Thriplow Hundred (Trumpington), Wetherley Hundred (Grantchester with Coton, Barton with Whitwell), Northstow Hundred (Madingley, Girton), Chesterton Hundred (Chesterton). Apparently in Leicestershire also five hundreds converge upon the county town.

[2] Stubbs, Const. Hist. i. 101, 438, 443; Gross, Gild Merchant, i. 79. In the vocabulary which the English settlers carried into Ireland, the borough court seems to have been usually called 'the hundred' of the town or city. See the Irish Cartae, Privilegia etc. (Rec. Com. 1889), p. 6 Dublin, p. 13 Waterford, p. 24 Cork, p. 25 Drogheda.

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fourth penny of the republic of the province of Grantbridge[1]. We may suppose some jealousy between the hundreds. The stronghold, the market, the meeting place of the shire should be in none of them.

I have used the word *civitas*. In Domesday Book it is applied to towns which lack cathedral churches: to Oxford, Gloucester, Leicester, Shrewsbury, Colchester. I think that we were near to a settled usage which would have made that term equivalent to 'county town.' Before a bishop could seem to be necessary to the existence of a *civitas*, some English sees had to be removed out of obscure villages[2]. But also there were other difficulties. The legal geography of the southern counties was not so artificially neat as was that of the midlands. For example, Penenden Heath by Maidstone was the moot-stow of Kent, and perhaps we may regard this as a compromise between Canterbury and Rochester. I am far from wishing to thrust an uniformly artificial scheme upon all England; but any traces of artifice may be precious clues. It is best to begin with the easy cases, with the great block of shires which take their names from towns and have a borough apiece. Wessex may wait a while until Mercia is understood.

Let me fully admit that the history of our towns must not be merely the history of legal arrangements. The trade winds blow where they list, and defy the legislator. It were needless to say that half-fledged boroughs such as Manchester, and mere villages such as Birmingham, will outstrip the old shire-cities. But even in the middle

[1] Append. § 154.

[2] Coke upon Littleton, 109b: 'The burgh of Cambridge, an ancient city, as it appeareth by a judiciall record (which is to be preferred before all others) where *mos civitatis Cantabrigiae* is found by the oath of twelve men, the recognitors of that assize; which (omitting many others) I thought good to mention in remembrance of my love and duty *almae matri academiae Cantabrigiae*.' The case to which Coke refers is printed in Placit. Abbrev. 98.

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ages there were ups and downs in the fortunes of the boroughs. I think that both Oxford and Cambridge had good luck.

Mr Green once drew a spirited indictment against your University. 'It found Oxford a busy prosperous borough and reduced it to a cluster of lodging-houses. It found it among the first of English municipalities, and it so utterly crushed its freedom that the recovery of some of the commonest rights of self-government has only been brought about by recent legislation[1].' Certainly there is truth here; but the picture has another side. Look at the shire-boroughs that lie between Oxford and Cambridge. Look at Huntingdon, Bedford, Hertford, Buckingham; each stands in Domesday Book proudly enough at the head of a shire. Look more especially at a town which may have been Oxford's twin sister. Look at Wallingford, and reckon up the bishops and abbots and counts and barons who had houses there. Materially the advent of the scholars meant to the burgesses a large demand for food and lodging. Spiritually it meant an example of organization and a stimulating battle for right. And at any rate a new-fangled university was a better inmate than an ancient cathedral church.

I say this because in my view there is an element of national or tribal purpose and policy in the earliest history of these county towns. As this fades away, the old borough must face rivalry and trying times. In the struggle for prosperity it must rely upon its own economic merits. Other towns have acquired courts and markets, and there is a race for charters. However, an example has been set; a new type of town, of vill, has come into existence[2].

[1] J. R. Green, Stray Studies, p. 333.

[2] It will be understood that I am in no way denying the influence of the French upon the English towns during the new period that begins with the Conquest.

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But though the ancient borough is not an ordinary vill, an ordinary *tún*, none the less it is a vill, a *tún*, and the community that inhabits it is a township. This being so, ought it not to be an agrarian unit; ought it not to have arable fields and pasture that subserves them? I do not wish to dictate to strange cities, to London, for example, or to Oxford, and to say to their citizens, 'You must find your common fields.' That would be an extreme of folly and impertinence. The possibilities are many. Still our Cambridge case will show that it may be worth our while to look beneath the Roman print of modern municipality and beneath the black letter of medieval burgherhood for the runes of the ancient village. In some sort Cambridge was still an agrarian unit in the seventeenth century.

Shall we then by way of hypothesis (it can be no better) start with an ordinary English village? Let us also suppose it to be a free, a lordless village, as lordless as a village can be where there is a king about. National policy decrees that this place is to be the stronghold, the place of assembly, the market of a shire: that it is to be extra-hundredal and is to have a moot of its own. There will be a ferment in the vill. There will be a new demand for houses. The old nucleus of homesteads will grow denser. The Cambridge of the Confessor's day has four hundred houses: ten times as many as the ordinary village would have, though its fields are no larger than are those of many an ordinary village.

It seems to me possible that the great men of the shire were bound to keep houses and retainers, burgmen, *burgenses*, knights, in this stronghold and place of refuge. I do not press that theory upon you[1]. The fact remains that for one reason or another the English magnates did in many cases acquire these borough haws. Oxford is

[1] Append. §§ 150—152.

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here the splendid example. Six bishops, besides abbots and counts and mighty men of war, have houses in it and men in it. But you will see the same phenomenon on a smaller scale in boroughs which soon drop out of the race: in Buckingham for example, and in Winchcombe, the capital of the ancient Winchcombeshire[1]. Borough society is mixed. Not only are there social grades within it; but there are feudal or vassalic distinctions. These men are the 'men' of different lords.

We may guess that the old hides will go to pieces. If the market is successful, they may go to pieces very rapidly. There will be a traffic in acre-strips. A man will try to get a few next each other. It is no longer necessary that his strips should be equally divided between the various fields: he may sell corn in one year and buy in another. His tenement need not be self-sufficing; the whole vill will not produce all that it eats.

A danger lies here. The land is becoming mobile at a time when the feudalizing and manorializing processes are at work. It is perhaps improbable that any lord will make a manor of this complex vill, this heterogeneous group. But it is very possible that he may succeed in detaching from it large parts of its field and working them up into external manors. The more the borough flourishes as a place of trade, the better his chance of doing this, for the community that inhabits the town is ceasing to be a community of self-supporting agriculturists.

I have sometimes fancied that this happened at Oxford in very old days: that Oxford had wide arable fields lying outside the north gate of the town; that Port Meadow was subservient to the plough-teams of a corn-growing group of men who lived in Oxford; and that those manors of Walton and Wolvercote and Holywell

[1] For Winchcombeshire, see Royce, Winchcombe Landboc, p. ii; Taylor, Domesday Survey of Gloucestershire, 220.

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which appear already in Domesday Book[1], were formed out of the Oxford fields. There are, I think, many signs of continuous friction between the burghal community and the landholders of the North Gate Hundred. Friction there must be before arable and pasture can be finally torn asunder. In 1561 a witness swore that the men of Wolvercote, Godstow, Binsey and Medley had always enjoyed common of pasture in Portmead, also that the citizens of Oxford could not drive their cattle to Portmead without passing through 'the lordships of Walton[2].' On the other hand, the citizens would not admit that there was a Walton Manor: there was only a Walton Farm situate wholly within the liberties of the city of Oxford[3]. How this may be now-a-days I do not know; but I see it said in 1870 that some neighbouring villages had common in Port Meadow[4]. As to the manor of Holywell, the burgesses of 1279 protested that it had belonged to a burgess, the father of the celebrated John of Oxford, and had been 'newly subtracted from the borough[5].' In after-times there were, so Anthony Wood tells, many contentions about jurisdiction between its lord and the townsmen[6]. Its lord was that college, Merton College, which held a suburban manor at Cambridge also, and in our own century competed with the Cambridge burgesses for a lordship over the Cambridge field.

I must ask you to forgive this trespass, and must confess that the North Gate Hundred is a puzzle to

[1] D. B. i. 154, 157, 159; Parker, Early History of Oxford, 208, 225, 249, 255; Wood's City of Oxford, ed. Clark, i. 335 ff.; ii. 186 ff.

[2] Royal Letters, ed. Ogle, 180–1. As to this dispute with Dr Owen, see also Records of Oxford, ed. Turner, 211–3–5, 223, 278, 294; Royal Letters, 195.

[3] Records of Oxford, 253.

[4] Parl. Pap. 1870: Return of Cities and Boroughs possessing Common Lands, p. 23.

[5] Rot. Hund. ii. 805.

[6] Wood's City of Oxford, ed. Clark, i. 380–1.

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the stranger. I should account it a compliment to a town if we said that at a very early time it could afford to see its arable fields detached from it and worked up into external manors. When and where this sacrifice is possible without economic ruin, we are coming to urban life. I think that we may even regard an arable 'shell' (to use Mr Seebohm's phrase) as an impediment to the growth of municipality.

Pasture must and will be important to the townsfolk throughout the middle ages and in much later days. If in 1833 you had asked the corporator (burgess, freeman) of a borough what good he got by being a corporator, he would often have answered: 'Pasture, and now that Parliament has begun to meddle with electoral rights, nothing but pasture[1].' In many old and great boroughs the corporator merely as corporator turned out his beast, and, if any one turned out more beasts than his neighbour, this was because he had attained a certain rank in the corporation; he was alderman or the like[2]. This is a much more urban, corporate scheme than is possible until the arable has been wrenched from the pasture[3].

That the ancient shire-borough never becomes a manor, this I dare not say[4]. But I feel pretty sure that Cambridge never passed through the manorial

[1] By way of example we may take Stamford. App. to Mun. Corp. Rep. 1835, vol. iv. p. 2530: 'The present body of freemen form but a small portion of the inhabitants of the town, and during the last five years the number of admissions has considerably diminished. Those who are entitled by birth or apprenticeship only take up their freedom for the purpose of stocking the common; and among the other inhabitants few are disposed to purchase it.'

[2] See Append. § 139.

[3] See the whole of the section entitled *Die Stadtpersönlichkeit und die Stadtmark* in Gierke's Genossenschaftsrecht, ii. 649.

[4] Buckingham (D. B. i. 143) looks like a little burg tacked on to a royal manor.

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phase. Little manors might be formed within it; but it was no manor. It stood in a close relation to the king; but it was no royal manor.

Its court was, if you please, a royal court. I should prefer to say that it was a national court, for the earl took the third penny. The king drew from the town a considerable revenue which was farmed by the sheriff. There were the profits of the court and the profits of the market. There were also house rents and land rents (*hawgafol* and *landgafol*) which were paid by some, but by no means all, of the inhabitants. Inside as well as outside the borough the free landholders seek lords and pay a little money by way of 'recognition' for patronage and warranty. But I can not find that in Cambridge there ever was any royal demesne in the narrowest sense of that word: any land whose produce went to the king's barns. 'The burgesses,' says Domesday Book, 'used to lend the sheriff their teams thrice a year,' perhaps to help in tilling the neighbouring royal vill of Chesterton. That is light service. Now Picot the Norman wants such a loan nine times a year; and he also wants carts and carrying service. That is not heavy; that is not degrading; there is no villeinage in it[1].

On whose land then does this town, this borough, stand? He who dictated the plan of Domesday Book deliberately and in instance after instance refused to answer that question. He might have put Oxford and Cambridge on the *Terra Regis*: he refused to do it. I almost hear him saying what our University said in 1616: 'Of the soil of Cambridge no certain lord is known.'

[1] D. B. i. 189: 'Burgenses T. R. E. accomodabant vicecomiti carrucas suas ter in anno: modo novem vicibus exiguntur. Nec aueras nec currus T. R. E. inveniebant, quae modo faciunt per consuetudinem impositam.' Many free people in Cambridgeshire owed the king a little carrying service.

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But surely the king is lord? Yes, our scribe might have written *Terra Regis* once for all on the frontispiece of the book, for the king is lord of all England.

These nice shades of the medieval *dominium* are difficult to catch. He wants to distinguish the king's demesne from the fiefs. What is in a fief is not in the king's demesne. But there are bits of who shall say how many fiefs in the borough? The Count of Mortain has ten houses in Oxford and three in Cambridge. The king's lordship over Oxford differs by a perceptible shade from his lordship over Bensington. The king's lordship over Cambridge differs by a perceptible shade from his lordship over Chesterton. It is a little less landlordly, a little more kingly, a trifle less private, a trifle more public.

Then as to the waste land at Cambridge within and without the ditch, I fancy that any ownership of it was but feebly conceived. It was being used by the *burgenses*. They complain that Picot, who has been building a mill, has stolen part of the pasture[1]. These men are the men of different lords. Taken in mass they have no lord but the king. If Henry I. gives away a piece of this green land as the site for a religious house, he will not be resisted: perhaps he will do a popular act[2]. But it is not necessary to talk of the ownership of waste land yet: we can leave that matter in doubt for a long while to come.

If we could obtain a history of the pasture rights, we might be obtaining a history of much else. For instance, we have to face the question of a burghal 'patriciate.' Is it to be a definite patriciate of the hidesmen or yardsmen, the holders of full shares in the arable? My guess would be that the old tenements

[1] Append. § 126.

[2] Append. § 128.

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went to pieces too fast to allow any permanent crystallization in this rustic shape. The account which Domesday Book gives of Colchester and its fields, an account unique in its particularity, shows us tenements of all sizes from thirty acres down to an acre[1]. At least one other principle may have been contending for the mastery. Some boroughs are already divided into wards: there were ten wards, ten *custodiae*, in Cambridge. A little later we see in some towns that the ward has its hereditary alderman. To-day the term *ward* has a pacific, municipal sound: still ought it not to mean something that needs defence and is defended, defended against external attack? In short, is it not possible that we have on our hands the military captains of the burgmen? And there may be hereditary lawmen or doomsmen also.

I must break off these conjectures and begin at the other end such story as I have to tell. If we could master the borough of the twelfth century we should be the better able to interpret the sparse evidence that comes to us from remoter days. But I do not think that we shall have mastered the borough of the twelfth century if we have not looked beyond wall and ditch to the arable fields and the green commons of the town. There is much else to be studied besides the proprietary rights which men have in the houses, the acres and the pasture. By all means let us study the gilds and all that is commonly regarded as the constitutional side of burghal history. But proprietary rights in lands and houses are important; rights of pasture were very important. Real property is a great reality. If we do not build our borough on the solid proprieted soil, we shall build it in the air.

[1] D. B. ii. 104. See Mr Round's papers in The Antiquary, vol. vi. (1882).

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We have opportunities. There are charters and terriers in the archives of our colleges which should be forced to tell the tale of two ancient county towns which comprised the Port Meadow at Oxford and the Port Field at Cambridge. The oldest of all inter-university sports was a lying match. Oxford was founded by Mempricius in the days of Samuel the prophet, and Cambridge by the Spanish Cantaber in the days of Gurguntius Brabtruc. A match in truth-seeking is a much more thrilling contest; the rules of the game are so much more intricate. It goes on and I hope will never be decided. You have many books that we must envy; I think that you will envy our Architectural History and the Annals of our great town clerk. And yet there is room; there is soil.

But, glancing for one moment at those interesting and stimulating German theories, dare I make any guess about what will be accepted and what rejected by the student of those old English boroughs which strike the keynote in our municipal history? Something should be risked or there will be nothing to contradict. With us the bishop will play no such prominent part as is assigned to him elsewhere. There will be no 'immunist' holding the whole town. It will not be subjected to manorial rule (*Hofrecht*). There may be many *ministeriales*, many 'knights' in it; but the community will not consist of the dependants of one great lord. The market will be important; but the borough court will be no mere market court, nor will its law be mainly market law (*Marktrecht*). Voluntary, gild-like, association will be active there; but not until late in the day will it mould the institutions of our town. There will be much freedom, much ancient, aboriginal freedom. The borough community will be closely related to the village community. The differentiating principle will be

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found in those arrangements which have made this town 'a military centre and a political centre,' the stronghold, the market and the moot-stow of a shire.

IV.

The vill, town, borough of Cambridge contains about 3,200 acres, or in other words, about five square miles of land. As vills go in Cambridgeshire, it is large, but not extravagantly large. Larger vills are to be found even outside the fen. It is cut into two not very unequal parts by the river.

Within this territory there lay in the middle ages the ditched, defensible and house-covered nucleus. In the thirteenth century a suburb, well outside the ditch, had grown up around the by no means ancient Priory of Barnwell; there was a small suburb at Newnham; and in various directions houses were arising along the roads which entered the town. This nucleus also was cut by the river; the smaller half lay to the north; the two halves were connected by the bridge which gives a name to borough and shire.

As the river flows now north, now east, it may be convenient if I speak of the two halves of the vill as cispontine and transpontine. Already in Henry III.'s day the Cambridge man placed himself south of the river when he spoke of his town. What lay to the north was 'the ward beyond the bridge.' To-day the sight-seer who pays Cambridge a hurried visit will perhaps never cross the river. Only one of our colleges, Magdalene, and part of another, St John's, are transpontine.

The agrarian plan suggests that at some remote time there were two economically distinct communities, each

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of which had its proper fields. Also it is a common, though disputed, opinion that a Roman town once stood on the river's northern bank[1]. When light dawns in the thirteenth century, the transpontine fields are for the more part paying tithe to one set of churches, the cispontine to another set. Moreover at the beginning of our own century the theory of the inclosers seems to have been that a cispontine house might have pasture rights in the cispontine, but not in the transpontine fields. On the other hand, no such rule was, so far as I am aware, applied to the green commons: indeed there was little green on the transpontine side. The evidence does not all point in one direction; and at any rate, if there was a coalescence of two townships, I am inclined to push this far back behind the Norman Conquest. The very name of one of the two, if two there ever were, seems irrecoverable[2].

In Domesday Book the borough of Cambridge is set before us as a single whole, though it has been divided into ten *custodiae* or wards. Thenceforward it appears as a good specimen of the old shire-boroughs. It was without a rival, without a second, as the chief town of its county. It had castle and jewry, market-place and tolbooth, all complete. It was a 'port' with 'hithes' and 'quays.' A fair held in one of its arable fields, Sturbridge Field, was to become in course of time the most famous of English fairs. Also it had some fifteen or sixteen parish churches, and, measured by this index of ancient wealth, might vie with Oxford. That it was as rich or as populous as Oxford I should not contend. The poll taxes of Richard II.'s day suggest the proportion 5 : 4 in your favour[3]. In the twelfth century Cambridge will render an aid of £12 when Oxford

[1] Append. § 1. [2] Append. § 110.
[3] Powell, Rising in East Anglia, 121.

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renders £20[1]; but under Edward I. its fee-farm rent is full as heavy as that of Oxford[2]. Already in the Confessor's time it paid geld for a hundred hides: that is, it paid full ten times what the ordinary Cambridgeshire village would pay. Clearly therefore in the eleventh century it was not a vill of the common kind; its taxable wealth did not lie wholly in its fields. But fields it had. It was cast in an agrarian mould.

Out of the 3,200 acres we must give but few to the ditch-encircled patch of houses, or (since I believe that *murus* will cover ditch and bank[3]) I will say to intra-mural Cambridge. There are now about 300 acres of green common: somewhat less than a tenth of the territory. It lies for the more part along the river. As we go back in our story we may have to increase this quantity; but not I think very largely within the historic time. Then in 1800 there were two vast sheets of arable land: the cispontine and transpontine fields. Speaking very roughly, we might set down each of these sheets at 1,200 acres. There were also some leys of meadow; but some at least of them had once been ploughed. The amount of arable seems rather to increase than to diminish as we go back to remote days. The margin of cultivation has been very near to the centre of our town. And yet if we begin to talk of hides of 120 acres, we may find ourselves guessing that this territory, where near 40,000 people now live, was once laid out for the support of hardly more than twenty barbarian households. The

[1] Domesday Book and Beyond, 175.

[2] R. H. ii. 788, 793, 796: Oxford pays £63. 0*s.* 5*d.* Ibid. ii. 356: Cambridge pays £40, plus £20 by tale, plus 100*s.* of new increment. Ultimately its rent was 105 marks or £70. In the reign of Charles II. this rent was sold to Sir George Downing, and under the will of his grandson, another Sir George, it now forms part of the endowment of Downing College.

[3] Parker, Early History of Oxford, 236.

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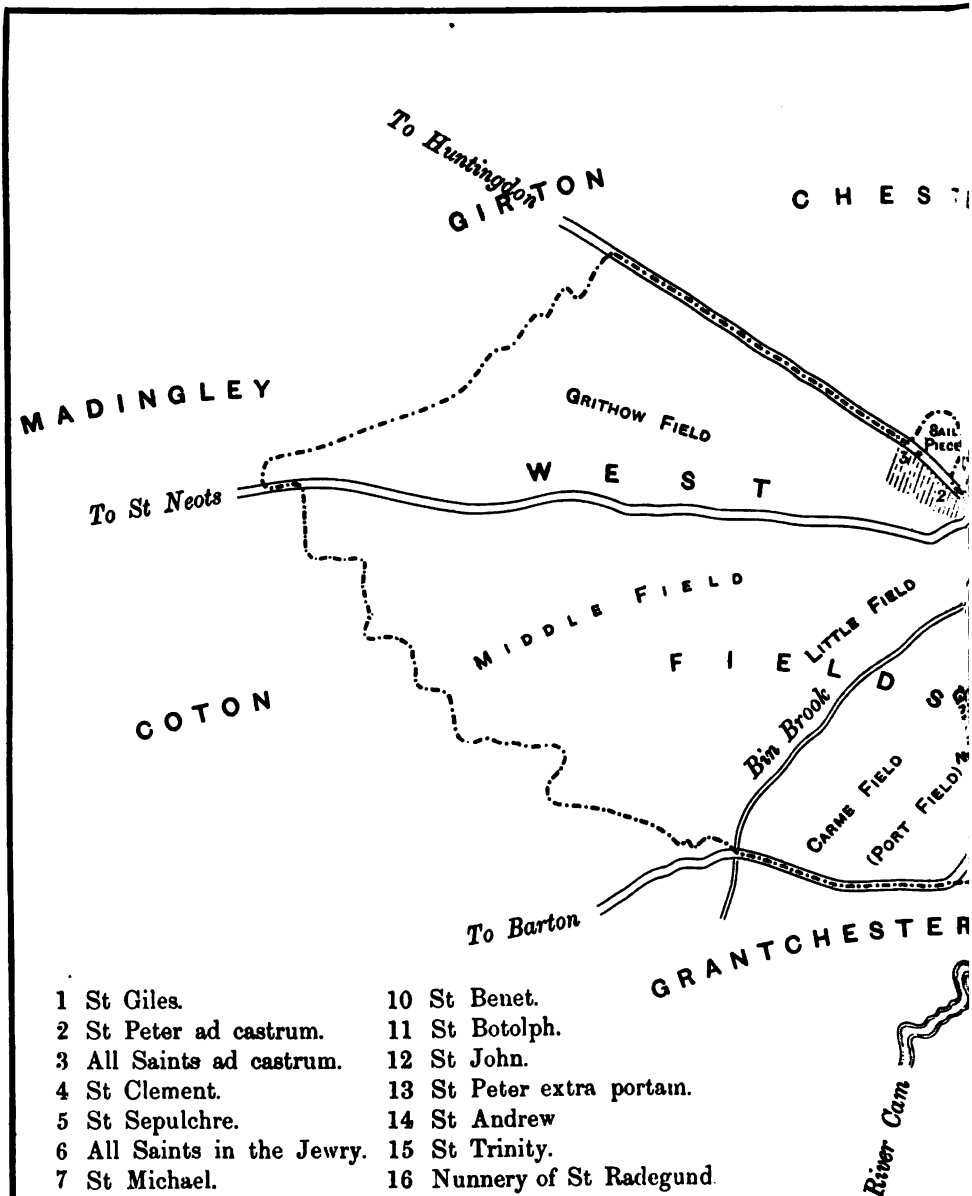

1 St Giles.
2 St Peter ad castrum.
3 All Saints ad castrum.
4 St Clement.
5 St Sepulchre.
6 All Saints in the Jewry.
7 St Michael.
8 St Mary in the Market.
9 St Edward.
10 St Benet.
11 St Botolph.
12 St John.
13 St Peter extra portam.
14 St Andrew
15 St Trinity.
16 Nunnery of St Radegund
17 Barnwell Priory.
18 Market.

The house-covered space is shaded; the green commons are dotted.

ROUGH SKETCH OF TH

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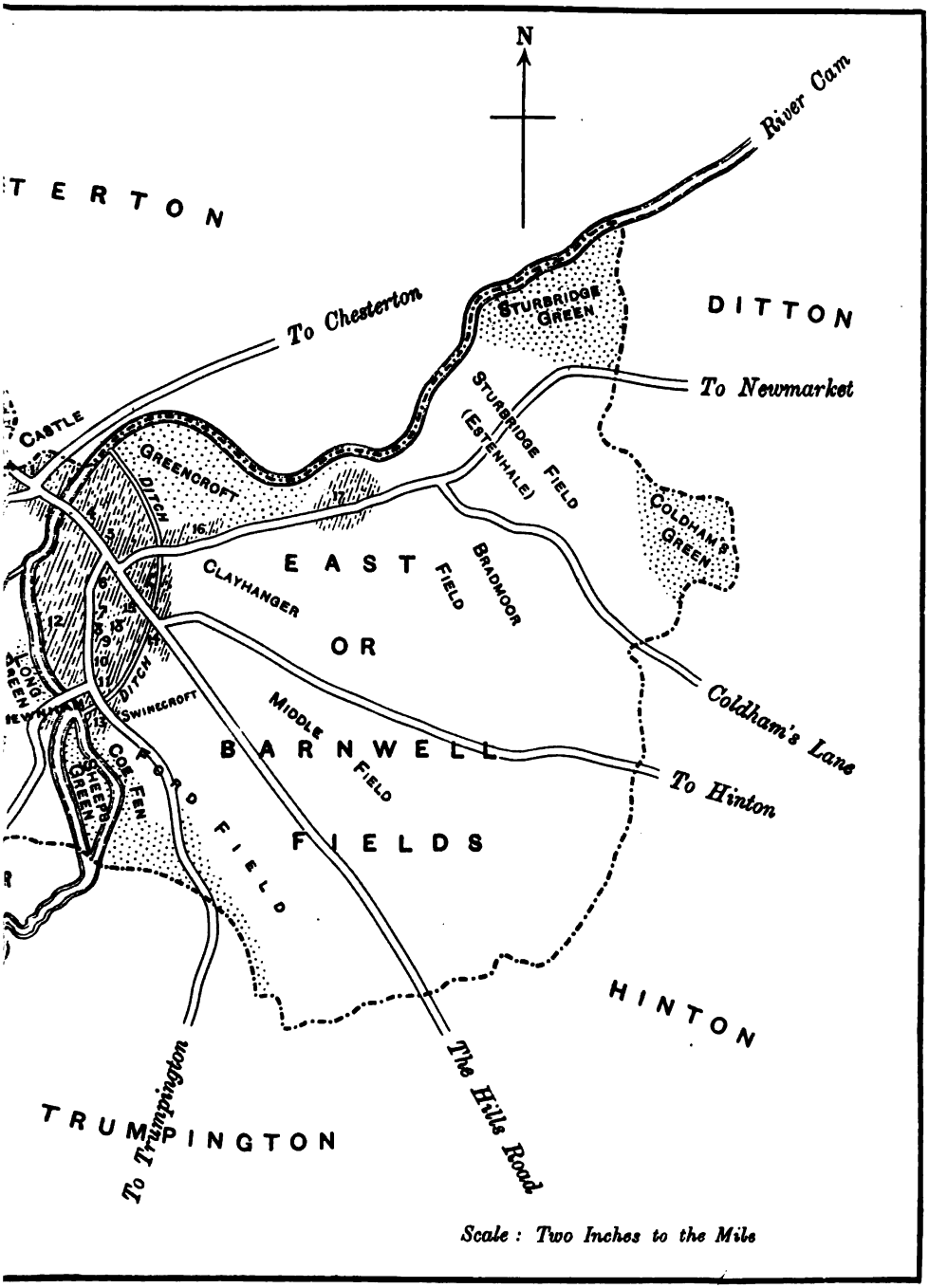

E TOWN OF CAMBRIDGE.

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Cambridge of 1066 contained some 400 houses, the Cambridge of 1279 contained more than 500, the Cambridge of 1801 contained nearly 1,700. But the mess, the maze, that those barbarians had made could only be cleared up by Act of Parliament.

Starting at the hither end of the story, we can look at the awards made and the maps drawn by the commissioners who are inclosing the fields. The green commons are not to be inclosed. The cispontine fields, which are commonly known as the Barnwell Fields, consist chiefly of four tracts, called Sturbridge Field, Bradmore Field, Middle Field and Ford Field. In old days the two fields which were as remote as possible from each other, Sturbridge and Ford Fields, were reckoned as a single field. This points to a 'three-field' course of culture. In 1811 when certain tithe-owners have been compensated and the municipal corporation has received nine acres for that debated lordship, the lion's share falls to Mr Panton, the successor of the Prior of Barnwell, but several of our colleges, notably Jesus and St John's, take large pieces. Altogether I reckon that about twenty-two persons, 'natural and juristic,' had owned the land. Then rights of pasture over it seem to have been successfully claimed on behalf of upwards of a hundred houses situated in the cispontine part of Cambridge. These fields are now being covered by a dense mass of brick and mortar. The railway station is in Middle Field.

The transpontine fields had been Grithow Field, Middle Field, Little Field and the Carme Field. That last name can hardly be older than the settlement of the Carmelite Friars in Newnham. This seems to be the field which in older documents bears the name of Port Field, for a Port Field we had. These transpontine fields swept along 'the backs of the colleges,' from the small suburb at Newnham to the confines of the vill of Girton.

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College gardens and cricket grounds have felt the plough. The academic interest was yet stronger here than it was on the other side of the town. Nine of our colleges, besides your Merton, received allotments: St John's and Jesus large allotments. The commoners who were compensated seem to have had houses in the transpontine part of the town. A handsome share went to Sir Charles Cotton, the squire of the neighbouring village of Madingley. He was a descendant of Sir John Hynde, who was recorder of the borough and a rising lawyer in those blessed days when monasteries were being disendowed[1].

Now of these western or transpontine fields we have in our University Library a field-book or terrier[2]. It was made to all appearance soon after the middle of the fourteenth century. It is the most elaborate thing of its kind that I have ever seen. In each field it describes the various furlongs or shots in such a manner that an ingenious man, who had time to spare and a taste for the Chinese puzzle, might depict them on a map. Then it tells us of the strips in each furlong. It tells us how many selions, ridges or beds, belong to a given man and what is their acreage. It tells us to whom they pay their tithe.

Let me translate one small piece of the account that is given to us of Grithow Field. 'A furlong lying cross-wise to the field of Girton and abutting at its western head upon the Mill-way. The selions of this furlong are to be reckoned at their western head.' Then a part of this furlong is described as follows:—

> 5 selions, which used to be 7, of the land of the Clerks of Merton, containing about 3 A. 2 R. abutting on the aforesaid way and tithing to St Giles.

[1] Dict. Nat. Biog.; Hailstone, Hist. of Bottisham, 325 ff.
[2] Append. § 47.

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1 selion of the Hospital of St John the Evangelist, containing about 2 R., abutting on the aforesaid way and tithing to St Radegund.

1 selion of Robert Long now in the hand of the Prior of Barnwell, containing about 1 R., abutting upon the aforesaid way (the green plot intervening) and tithing partibly to St Giles and St Radegund.

1 selion of the Nuns of St Radegund, containing about 1½ R., abutting upon the aforesaid way (the green plot intervening) and tithing partibly to St Giles and St Radegund.

I must not dwell on the purely agrarian features that are thus disclosed, the furlongs and ridges, the butts and gores. They would be familiar to you, for this terrier supplied Mr Seebohm with some of his best materials when he was expounding the open field. I have also been able to study, though only in a modern copy, a terrier of the cispontine or Barnwell Fields, and by the aid of these and of the minute account of Cambridge that is recorded upon the Hundred Roll of 1279, I think that I can answer in general terms a question of some interest: Who owned these arable strips in the thirteenth and fourteenth centuries?

First let me say that when these terriers were made the proprietary arrangement of the strips no longer displayed that regularity which we may easily find in the villages. The acres are no longer tied by legal bonds into hides and virgates, into parcels of 60, 30 and 15 acres. Nor, as we look down the list of owners, do we see the same names recurring in the same sequences. The average size of the parcel that any man has in one place is but little more than an acre; but some of the great people, especially the Prior of Barnwell, have in some cases got five or ten acres next each other. There is no longer any of that equality or proportionality which the dispersion of the strips was designed to secure. This dispersion must have been as great a nuisance in the

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fourteenth century as it was in the nineteenth. Indeed we might be inclined to say that in 1350 it could not last much longer, did we not know that it was going to last for four hundred and fifty years, and did we not know or guess that many people who had no arable strips turned out their beasts to graze upon the idle field.

But if we go a little further back, to the early years of the thirteenth century, we do find some regularity and some recurrent sequences. I have seen a copy of a charter by which one Maurice Ruffus gave fifteen acres, a half-virgate, to St John's Hospital. These fifteen acres consisted of thirty-six strips dispersed abroad in both sets of fields, *ex utraque parte aquae*, and I think that Maurice would have had to walk five or six miles in order to make a tour of his fifteen acres. Now in at least nineteen out of thirty-six cases he had Adam the son of Eustace for one of his two neighbours[1]. That is intelligible; that is as it should be; we see traces of a rota.

Another sign of antiquity catches our eye. We are told to what churches the strips pay their tithe, and we find that the distribution of the right to tithe is as intricately irrational as the distribution of proprietary rights. In a field called Swinecroft, in which I happen to live, I see a furlong or shot of some five-and-twenty acres (in truth I see it whenever I look out of my window) in which nine persons held strips and eight churches took tithe[2]. Thus even if an owner succeeds in getting several strips next each other, they must remain separate for the purpose of decimation. In this furlong, for example, the White Canons have eight ridges lying together; but two tithe to St Peter, the next four to St Mary, and the last two divide their tithe between St Mary and St Peter. This is a matter of some

[1] Append. § 89.

[2] Append. § 32.

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importance. If the parishes in the town represented, as some think, little communities, little townships, which had coalesced, we should surely find that the strips which tithed to a particular church would lie together. But, except that as a general rule the transpontine fields tithe to one set of churches, the cispontine to another, I see no trace of such coalescence. All is in wild disorder and seems plainly to tell of a time when men 'went with their land' to what churches they pleased[1]. The fields were made by people who knew nothing of a parochial system. Whether they knew anything of Christianity, who can tell?

But let us look at the persons who own the strips soon after the middle of the fourteenth century. And first we will observe that not a strip is owned by the corporation of Cambridge, or by the men of Cambridge in any communal or collective fashion. I see no trace of any arable which had been royal demesne land and had passed to the corporation or community as part of the vill that was granted to them.

We have nearly got rid of the colleges. We have nearly scraped them off as though they were a modern deposit. Merton already has its land, and the University has a few strips, but only one Cambridge college is represented. It is Corpus Christi, a college of an unique character that has been recently founded and endowed by gilds of Cambridge townsmen. Instead of colleges we now find religious houses. There are some strips which belong to the Prior of Huntingdon, to the Prior of Anglesey, to the Minoresses of Waterbeach and Denny; but the houses which have most stand within the boundary of the vill. The White Canons of

[1] D. B. i. 280 (Borough of Derby): 'De Stori antecessori Walterii de Aincurt dicunt quod sine alicuius licentia potuit facere sibi aecclesiam in sua terra et in sua soca, et suam decimam mittere quo vellet.'

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Sempringham have lately acquired a seat in the town and some strips in its fields; but they are new comers. The great holders are the Priory of Barnwell, the Nunnery of St Radegund and the Hospital of St John; to these we may add the House of Lepers at Sturbridge. St John's Hospital stood within the ditch where St John's College now stands, the other houses without the ditch, but within the vill, the Lepers' Hospital lying far remote from human habitation.

Now it is plain that we must treat these religious houses as we treated the colleges. We must dissolve them; we must scrape them off as though they were a modern deposit; for modern they are: that is to say, not one of them is as old as the Conquest. Thus the question occurs: Whence did their endowments proceed? From great people in great parcels or from small people in small parcels?

I believe that with few exceptions they came in small parcels from small people, or rather from people who were great only in Cambridge. First I will notice that the two hospitals seem to be of burgensic foundation[1]. We have two stories told by juries in the thirteenth century about the Hospital of St John. A certain burgess, Henry Frost by name, gave a plot of land to the township of Cambridge for the construction of a hospital. That is one story. The other tells how a townsman called Henry Eldcorn, by the assent of the community, built a hospital on a piece of poor, waste land that belonged to the community. The point of both stories is the same: namely, that the patronage of the hospital, the right to choose a master, belongs, not to the Bishop of Ely, who has usurped it, but to the men of Cambridge, or, if they can not have it, then to their lord the king[2]. A similar complaint is made about the Lepers'

[1] Append. § 72.

[2] R. H. i. 55; ii. 359.

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Hospital. Closely similar complaints are made by the burgesses of Norwich[1], Northampton[2], and Nottingham[3]. These burgensic hospitals, these claims to patronage are very interesting. Perhaps in no other quarter do we hear so early what we can only construe as a corporate claim. The men of the town as a mere mass of individuals can hardly be patrons, co-owners of the patronage, and yet in some sense or another the men of the town ought to be patrons. Just because that sense 'quivers on their lip' but can not get itself into words, the bishop has his chance. The immature, the nascent 'it' can hardly resist him.

Now I think it clear that these hospitals obtained most of their arable strips from burgesses, or at any rate from inhabitants, of Cambridge. The same is true of the canons of Barnwell and the nuns of St Radegund[4]. They are our Cambridge versions of the canons of Oseney and the nuns of Godstow. Indeed a close parallel might be drawn between Oseney and Barnwell. In each case we see the rough Norman castellan and the devout wife, the miracle or the vision, the location of a few canons within or just without the castle, the subsequent erection of an Augustinian house in a more commodious place by the river. But there is, if I mistake not, a difference of some importance. Robert of Ouilly can endow his canons with hides of land—I was going to say in the Oxford fields, but had better say in close proximity to the walls of Oxford. I can not find that our Picot the sheriff or his successor Pain Peverel provided anything within the limits of Cambridge beyond a site.

The site at Barnwell, a matter of thirteen acres, was

[1] R. H. i. 530. [2] R. H. ii. 2.
[3] Records of Nottingham (ed. Stevenson), i. 91.
[4] Append. §§ 74—5.

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given to Pain for this purpose by Henry I.[1] Apparently it was a piece of the green common of the town. In Edward I.'s day and again in Richard II.'s the men, or at least the lower orders, of Cambridge seem to be protesting that the Priory inclosure stands where it ought not, impeding their drift-way from one pasture to another. So the rebellious 'commons' of 1381 destroy wall and fence and water-gate, to the Prior's great damage[2]. However, the canons had at one time been popular in the town. They seem to have obtained a third or more of the cispontine and a good share of the transpontine fields by means of small donations. The largest gift of which I read was made by a prior of the house: a gift of 140 acres. They came to him from his father, whose deeply interesting name was Osbert Domesman.

The case of the nuns is not dissimilar. Malcolm, king of Scotland, provided them with a site of ten acres outside the ditch. Perhaps, but this is not certain, it was carved from the green common, and perhaps Malcolm thought that as Earl of Huntingdon a third of the green common should be his to give away. But the arable came from humbler quarters. A gift of fifteen acres, of a half-virgate, was a handsome gift to the nuns[3]. Your royal or noble founder sometimes does his founding pretty cheaply. What he gives you is his name; and it is a valuable advertisement.

We can thus treat the religious houses as we treated the colleges. They are a modern deposit and we scrape them away. When in our retrogressive course we have reached the year 1100, they must be gone or nearly gone. Stories indeed come to us from Ely of acres in Cambridge which were given to St Etheldreda in very

[1] Append. § 128.
[2] Append. § 131.
[3] Append. § 74.

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old days; but to all seeming she no longer had those acres at the Conquest, and these stories, true or false, tell of small acquisitions[1]. Am I not right in saying that in the early history of Oxford you do not now-a-days assign any dominant influence to the nuns or the canons of St Frideswide? We have not even a St Frideswide. The borough does not grow up under the shadow and patronage of a great church.

However, in the twelfth and following centuries a leading part in the agrarian history of the borough is played by the piety, charity, otherworldliness of the men of Cambridge. Ultimately, though at too late a day to do much harm, claims to lordship over these fields will be made by the successors of canons and nuns who promised prayers in return for acres. More than half the strips in our fields went to religion. Many had gone by 1279, more by 1360. But still a good share was in the living hand of lay and natural persons. And the living hand was lively. When our terriers were made, two considerable estates had lately been amassed. One Stephen Morris, who inherited some strips, had bought others from thirteen different persons. One Roger Harleston, who seems to have been a new-comer in the town, had purchased in seven different quarters. He is a country gentleman with an estate at Cottenham. He comes into Cambridge, has a house there, and amasses what will be called 'Harleston's manor': it afterwards passed to St John's College. He was mayor of Cambridge; four times he represented the shire in Parliament. During the insurrection of 1381 he seems to have been odious to the rebels; his house in Cambridge was pillaged by the mob[2].

I have before me a list of the mayors and bailiffs who held office during the fourteenth century and the

[1] Append. § 91.

[2] Append. § 53.

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last years of the thirteenth, and can say with some certainty that among the leading men of the borough 'the landed interest,' if such we may call it, was well represented. Very often the office-holders were strip-holders or at any rate belonged to families which had held strips. We must not indeed speak of a land-owning aristocracy. I see men becoming mayors and bailiffs and paying heavy taxes whom I can not connect with the fields. Also, if we except a few people, such as Roger Harleston, who seem to be buying out their neighbours, the holdings of these burgesses are very small if judged by a rural standard: far smaller than that virgate of thirty acres which we ascribe to the ordinary villein. Even the estate which Walter of Merton purchased seems to have comprised no more than two virgates of arable in the Cambridge fields. It could not be otherwise, so much has gone to pious uses. Moreover, the rapidity with which these religious houses have acquired multitudinous strips in small parcels provokes the remark that the burgess can afford to give away his land. No doubt he is often pious at life's end and his heir's expense, but still agriculture is not the main source of his prosperity. A little corn grown in the fields ekes out a revenue derived from trade or craft. However, it is clear that the Cambridge burgess who went to Parliament often had a dash of the 'good husband' about him[1].

Though religion completed, it did not, I think, initiate the disintegrating process, the process which destroyed the old scheme of hide and yardland. During the thirteenth century the acre-strips were passing from man to man with marvellous rapidity. He who has a dozen acres will often have acquired them in half-a-dozen different ways. They are like the bits of glass in a

[1] Append. §§ 57—60.

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kaleidoscope. They are always forming new proprietary patterns[1].

Then the darkness settles down. What sort of men were those *burgenses* of the twelfth century who paid for the earliest charters, the men who wanted to farm the borough and to have a gild merchant? Who can say with any certainty? But of this I feel fairly sure that some of the leading men of Cambridge were rich in arable strips. The men who have many acres to give to hospital, priory and nunnery, are bailiffs of the town and in their court witness each other's charters.

Their constantly recurring names I am beginning to know. One family I will mention; it is that from which proceeds the Merton estate in Cambridge. Walter of Merton bought from the heir of a man who bought from Eustace the son of Hervey the son of Eustace the son of Dunning. The Merton estate comprised sixty arable acres. It comprised also that 'stone house' which for some inscrutable reason has been called the School of Pythagoras: you had Plato's well and Aristotle's well at Oxford. A great deal more land than this was at one time and another in the hands of the descendants of Dunning.

This Dunning we have to place far back in the twelfth century. Soon after the year 1200 his grandson, Hervey FitzEustace, is one of the foremost of those men of Cambridge who are witnessing charters and endowing religious houses, and, though the family parts with much of its land, it remains in Cambridge and well-to-do. It supplies the borough with mayors under Edward I. and Edward II. Hervey had lands in other parts of the shire. Hervey kept a seal of a bellicose kind; it bore a mounted knight with drawn sword. But, for all this, he was Hervey the Alderman, and

[1] Append. § 69.

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Hervey the Mayor, and no earlier mayor of Cambridge have I yet seen[1]. He was tallaged along with the other men of the town, and paid less than some of them, less than Bartholomew the Tanner, less than Kailly the Tanner[2].

I had some hope of finding a knot of land-owning 'patricians,' the successors of old hidesmen. It is fading. Already in the twelfth century, so it seems to me, the burghal society is versatile and heterogeneous. Some wealthy burgesses own land; others own none. The market has mobilized the land; the land is in the market.

Nor is it true that all the strips are held by men of Cambridge. Men who are great or fairly great outside Cambridge, men of county families, as we should say, held patches in these fields: were the lowest freeholders, the 'tenants in demesne' of patches in these fields. For instance, a Robert of Mortimer can give a whole ploughland to the Hospital. He belongs to a family estated in Norfolk and Cambridgeshire. It long retains some of its strips, until ultimately they pass to Gonville Hall and Caius College[3].

This leads me to one other remark. We know that according to law every landholder in England is connected with the king by some longer or shorter thread of tenure: *C* holds of *B* and *B* of *A* and *A* of the king. Land in a borough is not exempt from this rule. In the case of each of these strip-holders we ought to be able to detect the longer or shorter thread that ties him to the king. Now we can see enough to say that these threads are very numerous and make no simple pattern. In this field all jumbled up together there were minute fragments of the Huntingdon fief, which was held by the kings of Scotland, of the Leicester fief and perhaps of

[1] Append. §§ 79–80. [2] Append. §§ 83–7. [3] Append. § 104.

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the de Vere or Oxford fief. The greatest honours in England, the honour of Britanny and the honour of Mortain are or have been represented[1].

In Cambridgeshire this sort of arrangement, or rather of chaos, is not peculiar to the borough. Feudal geography lies all athwart the village geography. A map which distinguished the manors, a map which distinguished the honours, could hardly be drawn on any smaller scale than that of six inches to the mile. But in our borough field a larger scale would be needed. In this I see the work of commendation, the work of those wonderful beings who 'were so free' that they could go with their land to what lord they pleased. Norman rule freezes the commendation into tenure, but the frozen sea is billowy still. The strips that were commended to Waltheof must be held of the king of Scotland, the strips that were commended to the court beauty, to Edith the Fair, must be held of the Breton counts. Fifteen out of the sixty acres that Walter of Merton purchased for his scholars have owed scutage to Earls of Leicester, to Beaumonts and Montforts.

Cambridge does not look as if it had ever been a feudal unit. Still less does it look as if it had ever been a manorial unit. Agrarian unit it can not help being after a sort. The barbarians willed it and graved their will upon the land.

V.

If in the thirteenth century we look down upon the borough field from the feudal point of view, we see patch-work. If we look for the ownership or 'tenancy in demesne' of the strips, we are looking through a

[1] Append. §§ 102–3.

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kaleidoscope. The hides have gone to pieces; the little fragments that composed them are passing swiftly from man to man, and are always forming new proprietary patterns until many of them become quiescent in the dead hand of priory or hospital, nunnery or college. Even then many exchanges are made.

This, if true of the field, is yet truer of the intramural space and of the houses that stand upon it. At Cambridge I can not see this nucleus as a densely compacted group of houses. *Vicos locant non in nostrum morem:* we know those words very well; but it is so much *mos noster* to see 'connected and coherent edifices' in whatever we call a town, that we are wont to forget the warning. Originally there will be a sparse and straggling cluster of homesteads and cottages. *Suam quisque domum spatio circumdat.* It seems to me that throughout the middle ages there was plenty of curtilage in Cambridge: there were gardens and orchards and little paddocks. Materially and spiritually there was *rus in urbe.* Also there was a good deal of unenclosed, waste ground, which but slowly began to assume the character of potential building sites, and therefore to cry aloud for an owner[1]. You will remember how Dr Stubbs has said that in Oxford 'there were considerable vacant spaces which were apt to become a sort of gypsey camping-ground for the waifs and strays of a mixed population[2].'

Summa rusticitas. The pig was ubiquitous. In abundant records we may read far more than is pleasant of the filth of Oxford and Cambridge. But if they seem exceptionally filthy, that is not because they were nastier than other boroughs, but because some of their inhabitants were learning to be nice, and, at least in Cambridge, even under Elizabeth, there was a strong

[1] Append. §§ 6 ff. [2] Const. Hist. iii. p. 618.

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smack of the farm-yard. It proceeded from 'houses having broad gates[1],' gates receptive of cattle, houses where 'good husbands' dwelled. As we go back in our history I see more of such houses. A few are 'stone houses'; but building-stone was hard to come by.

Now of the houses in Oxford and Cambridge, their holders and their rents, we may learn a great deal. No other towns in England are so open to our view, for the accounts that are given of them on the Hundred Rolls of Edward I.'s time are matchlessly full. It is as if King Edward had wished to set our schools of history a task that might be begun at home.

In Cambridge the houses change hands very quickly. Often a burgess is the owner, or lowest freeholder, of three or four houses which have come to him by as many routes. This shows that not a few of the inhabitants must live in houses which they hold for years or at will. Sometimes three or four rents are paid out of one house to three or four landlords who stand one above the other on the scale of tenure. Often the lowest freeholder pays what looks like a full rent. At Oxford the amount of rent that is paid to the religious is very large; indeed it seems an exception, rather than the rule, if a house pays nothing to Oseney, Abingdon, Ensham, Godstow, St Frideswide's or some other convent. A good many of these rents are, I take it, rents charge (or, as we now say, rentcharges) constituted by the piety of the burgesses. It is a remarkable feature of the boroughs that the tenurial rent paid by tenant to lord becomes practically indistinguishable from the mere rentcharge which implies no tenure. But, looking back to the Oxford of 1086, we see in it many houses belonging to magnates, bishops, earls and barons, and if we ask what has become of these houses in 1279, I suppose the

[1] Cooper, Annals, ii. 333.

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answer is that they have been given to the religious by the successors of the shire thegns. A house or a rent might easily be coaxed from a well-to-do man who had no other interest in the town. At Cambridge, where the ecclesiastical element was hardly so strong, I see a good deal of rent going out of the town into lay hands, the hands of knightly families seated in Cambridgeshire and the neighbouring counties[1].

Then in Oxford there are a few houses, and apparently only a few, which pay what is called 'landgable.' They pay a rent (generally a light rent) to the bailiffs of the borough 'towards the farm of the vill.' In Cambridge we distinguish between the hawgable that is paid for houses and the landgable that is paid for arable strips. Less than half our houses, much less than half our acres, make the payment. In 1279, though not quite trivial, it was certainly very light, and I can not but think that a penny or two pence for a house, a half-penny or farthing for an acre would have been a light rent in the Cambridge of the remotest days. Out of all the landgable and hawgable, the bailiffs of our town obtain less than £8. They have to pay about £70 at the Exchequer for the farm of the borough. To all appearance therefore house-rents and land-rents have formed but a small part of the revenue that the king drew from the town[2].

It is curious how old English terms which should simply mean house-rent and land-rent seem to have become distinctive of the boroughs. They persist there even when their meaning has been forgotten, and men fancy that the 'high-gable rent' has to do with the high gables of their houses. The names are old and the rents look old.

Now it would be interesting to inquire in borough after borough why some houses pay *gafol* and others do

[1] Append. § 100. [2] Append. § 107.

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not. One natural suggestion would be that originally the burden was general, but that the houses which came to the hands of the religious escaped from this charge as they escaped from many other charges. However, the Cambridge evidence does not point in this direction. Many of the houses and strips in which the convents are concerned pay the *gafol*; indeed the Priory of Barnwell contributed more than a third of the total sum that the bailiffs received, while they obtained nothing from many tenements in which neither magnates nor churches were interested. Is not this, I would ask, a relic of commendation? Some men 'sought' the king and paid a few pence for his patronage; other men chose other lords[1].

In course of time mesne tenure becomes politically unimportant in the borough; the mere existence of the feudal thread is sometimes forgotten. The landlord is reduced to the position of the man with a rentcharge. The burgesses claim the right to give their houses by their last wills 'like chattels.' The borough court enables them to uphold this custom. It had an important effect. It made escheat rare, very rare. The medieval landlord, who had enfeoffed a tenant in fee simple, had still a strong interest in the land. The land was still his in a very real sense, for it would be his to enjoy if the tenant died without an heir. Take away or reduce towards zero the chance of an escheat, then his grasp on the land will be relaxed. Also the burgesses exclude, if they can, by a custom of their borough court, all rights to wardship, reliefs, heriots. The citizens of York, says Domesday Book, pay no relief[2]. But if you deprive a lord of these casualties, he is practically reduced to the position of a man with a rentcharge[3]. We may say that the

[1] Append. § 109.

[2] D. B. i. 298 b.

[3] Placit. Abbrev. 310: The king takes all escheats in London. Ipswich

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mercantile spirit of the borough affects the houses; it claims to bequeath them 'like chattels,' and it is in the boroughs that landownership first reaches a modern degree of purity and intensity[1]. But have we given the full explanation? Why are the lords so weak that they must suffer these changes? Because feudally, tenurially, the borough is patch-work. The country knight with three or four houses within the wall will not find it worth his while to maintain that vigilant control which would secure the feudal dues. He will not keep a court in which the deaths of tenants will be presented. He must be content with his rent, and already in the thirteenth century the value of money is falling.

The proprietary state of affairs in these old boroughs seems to me admirably suited for the production and maintenance of a pure rent-paying tenure, which in the end will become a mere 'cash-nexus.' We have external lords and an internal court which is manned by their tenants. And then the burghal community is always coming into closer contact with the king, who has privileges of all sorts for sale. We might almost say that it and he tacitly conspire to squeeze out all lordship but his. We might add that they conspire to deceive or perplex modern historians by speaking of the borough as forming part of or standing on the king's demesne. Well, it is the king's demesne borough; no lord intervenes

Domesday (Black Book of the Admiralty, vol. ii.), p. 141: No tenant in the town is to do homage or fealty to his chief lord. Journal of Archaeol. Assoc. xxvii. 471: The burgesses of Hereford 'do not use to do fealty or any other foreign service to the lord of the fees' but only pay rents. Lyon, History of Dover, ii. 320: 'No fealty, relief or other suit shall be due to no lord of the fee for no lands or tenements, the which be within the franchise [of the town of Romney].'

[1] Gierke, Genossenschaftsrecht, ii. 675: 'Das Grundeigenthum in der Stadt...erschien als ein freies und reines Individualrecht und somit überhaupt als das erste deutsche Privateigenthum an Grund und Boden, welches *ganz und nur* Privateigenthum war.'

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between him and the community taken as a whole, though the relations in which he stands to the various houses and acre-strips are infinitely various, and from many he gets no farthing of rent. If we ask by what right he tallages other people's tenants, the best answer may be that those other people are between the upper and the nether mill-stone, and that the burgesses have good reason for submitting to the exactions of a king who has sold them much and has much to sell them. It is well to be his burgesses, no matter whose tenants they may be, if he can ban all the trade of Cambridgeshire to their doors and withdraw the sheriff from their court. So they make free use of his royal name[1].

However, there were little manors in Cambridge. About the history of some of the proprietary units which bore this name of 'manor' in recent centuries, I am very uncertain, and I am by no means sure that all of them were ancient, or even had ancient kernels. I seem to see one of them being put together very rapidly in the fourteenth century by Roger of Harleston, mayor of the borough and knight of the shire. Also I doubt whether some of these proprietary units would ever have earned the name of 'manor' at the hands either of the modern lawyer or of the historical economist. For one thing, they were very small. For another, though the Master of the Hospital seems to have exacted some boon-days from his tenants, I doubt the land was tilled by means of labour-service. Courts, however, were kept. The Master of the Hospital kept a court at Newnham; Leonius Dunning kept a court in the same suburb[2].

[1] The old boroughs are tallaged along with the royal manors; but this seems to me an innovation. In the oldest financial rolls we see a special tax (*auxilium, donum*) thrown onto the old boroughs. See Domesday Book and Beyond, 174.

[2] Append. § 112.

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I fancy that the estate which had about it the strongest manorial character was the Merton estate. I speak under correction, but it seems to me that a good many of the strips which formed this proprietary unit were not in the fields of Cambridge, but in the adjoining fields of Chesterton, Grantchester and Girton, and the Grantchester strips had not come from the Dunnings[1]. There was nothing to prevent a man from working strips of a borough field along with strips of other fields into a manor, and getting them tilled by villeins who lived in neighbouring villages. In Cambridgeshire, as I have already said, the manorial geography of the thirteenth century is lying all athwart the village geography, or common-field geography, of the older time.

Then we observe that the lords of these manors are often paying rents to the bailiffs of the town, are paying rents to the nascent municipal corporation. Take the Prior of Barnwell for instance. He pays in one sum £2. 17*s.* for landgable and hawgable. Some of the strips and some of the houses that he acquired owed *gafol*, and he must now pay it to the bailiffs of the town who are the king's farmers. Here are the elements of a nice little quarrel. If the Town becomes conscious of its personality, will it not assert that the Prior is its tenant and holds his land 'of' the Town at a rent of fifty-seven shillings? The Scholars of Merton pay 4*s.* 10*d.* The Nuns pay, the Hospital pays, the Mortimers pay.

All along from remote days there has been a borough court, an old national court whose profits went to king and earl: two pence to the king, a penny to the earl. It is a court for the town; not merely for the intra-mural space, but for the whole town, the five square miles. This burghal moot, the one old organ of the borough, claims jurisdiction over the fields; in a sense the fields

[1] R. H. ii. 459, 565.

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are its fields. Early in the thirteenth century people who are great or fairly great outside Cambridge go into the borough court to litigate over the title to acres that lie in the fields[1]. If a lord distrains for rent, if Leonius Dunning or the Master of the Hospital distrains for rent, the replevin action will be brought against him in the borough court[2]. The land-owners went into that court to execute their deeds of conveyance; their wills were proved there.

Whether this moot exercised any regulative control over the culture of the fields I can not say. So again, as to the regulation of the pasture rights, I have little but darkness or ignorance to report until the fifteenth century is reached. What was happening then we shall see hereafter. Great people, however, such as the Prior of Barnwell and the Master of the Hospital, could be presented and amerced in the borough court for surcharging the pasture.

But now let us fix our eyes upon a central chapter in the long story of the borough field. In the twelfth century the burgesses of Cambridge want to farm the town. After some temporary leases, they made a final settlement with King John. He granted to them and their heirs the vill of Cambridge. They were to hold it freely and quietly, entirely, fully and honourably in meadows and pastures, mills, pools and waters at a rent of £40 blanch and £20 by tale. The earl's rights, for he also had been interested in the revenue of this old shire-borough, were purchased by an annuity of £10 paid to Earl David and his assignees[3].

Now we all regard 'the purchase of the fee-farm' as

[1] Append. § 114. [2] Append. § 113.

[3] Cooper, Annals, i. 37. For the third penny of the boroughs, see an excellent note by Round, Geoffrey de Mandeville, 287.

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an important step, and as such the men of Cambridge regarded it. They had paid Henry II. 300 marks of silver and a mark of gold that they might have their town at farm, *et ne vicecomes se inde intromittat*[1]. That is the main point:—the sheriff is not to meddle. The borough court is to be free from his control. But could anything be ruder than the words that are used? In form we have a grant of a thing, a vill, a tract of land, to a party of men, who are in some fashion to be its co-owners, they and their heirs.

Have you ever pondered the form, the scheme, the main idea of Magna Carta? If so, your reverence for that sacred text will hardly have prevented you from using in the privacy of your own minds some such words as 'inept' or 'childish.' King John makes a grant to the men of England and their heirs. The men of England and their heirs are to hold certain liberties of that prince and his heirs for ever. Imagine yourself imprisoned without the lawful judgment of your peers and striving to prove while you languish in gaol that you are heir to one of the original grantees. Now-a-days it is only at a rhetorical moment that Englishmen 'inherit' their liberties, their constitution, their public law. When sober, they do nothing of the kind. But, whatever may have 'quivered on the lip' of Cardinal Langton and the prelates and barons at Runnymead, the speech that came was the speech of feoffment. Law if it is to endure must be inherited. If all Englishmen have liberties, every Englishman has something, some thing, that he can transmit to his heir. Public law can not free itself from the forms, the individualistic forms of private law[2].

But really there is more individualism than you might think in this arrangement for 'farming the town.' I need

[1] Cooper, Annals, i. 28.

[2] Gierke, Genossenschaftsrecht, ii. 429 ff.

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not say that the liability for this rent is not going to be merely the liability of a corporation. Madox showed once and for all (it was his great exploit) that the liability was the liability of all the burgesses and every burgess[1]. Indeed the nascent corporation had little or no property which was 'its' and not 'their' property, if we except some feebly conceived right in the soil on which 'they' pastured 'their' cattle. King John looks to them, not to any 'it.' But you might at least suppose that they, taken somehow in the mass, mean to share the profit or bear the loss of this transaction. That, I believe, is not the plan. The annually elected bailiffs are (if you will forgive the phrase) to 'run' the borough.

In the unreformed borough of later times you will often find that there is some officer called a treasurer or chamberlain who is receiving the greater part of the corporation's revenue and who accounts for it in the decent, modern fashion. But he does not receive the whole revenue or make all the payments that must be made. The oldest part of the revenue is collected by older officers, namely the bailiffs, and out of it they make the oldest of all payments: in particular, they discharge the fee-farm rent of the town. And when you look closely into the arrangement you will find that these bailiffs are still taking the risk of loss. If the revenues that they collect are insufficient to satisfy the fee-farm rent, then the loss should fall on them, though all the burgesses are liable to the king.

That is the point of a good many stories which lie scattered up and down. I will take one from Mr Boase. Thomas Cromwell is told that the men of Oxford would like to have the lands of the dissolved friaries. 'The greatest occasion of the poverty of this town is the payment of their fee-farm. Such as before they have to

[1] Madox, Firma Burgi.

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be bailiffs hath be pretty occupiers, if in there yere corn be not at a high price, then they be not able to pay their fee-farm. And for the worship of their towne they must that yere keep the better houses, feast their neighbours, and wear better apparel, which makith them so poor that few of them can recover again[1].' So in 1447 the Gloucester folk say that, as their revenue falls short by £20 of their fee-farm rent, 'in time the town will be without bailiffs[2].' So in 1276 it is said that 'they who have once been bailiffs of Lincoln can scarcely rise from poverty and misery[3].' In Cambridge there were four bailiffs. Each of them had certain revenues assigned to him and had to find as best he might a certain sum towards the fee-farm rent. At Cambridge, as at Oxford, there was a king's mill to be managed; it was an important affair. But each year the incoming mayor and bailiffs bought from their predecessors and afterwards sold to their successors the chattels that were in the mill[4]. They were liable, and liable in the last resort, for all the repairs of the mill, and in 1392 a royal writ forbade them to exact for this purpose any subsidy from the community[5].

It is a curiously clumsy and, I should say, a curiously individualistic plan. The communal element in it consists in the community's power of forcing a man to serve as bailiff.

But suppose that the bailiffs make a profit. What ought they to do with it? I believe that the oldest answer is: Stand a dinner. You will find that a dinner is often expected of the bailiffs. In the sixteenth century the bailiffs' 'bankett' caused searchings of heart among

[1] Boase, Oxford, 112: London to Cromwell, 8 July, 1538.
[2] Gloucester Corporation Records, ed. Stevenson, p. 15.
[3] Green, Town Life, ii. 250.
[4] Cooper, Annals, i. 180.
[5] Ibid. i. 140.

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the civic fathers at Oxford. In 1563 your citizens think that 'a small drinking' will do instead. In 1565 they repent themselves and will have the banquet after all; but in 1571 economy (or was it puritanism?) and a small drinking are once more triumphant[1].

Some part of the gluttony with which the rulers of the boroughs were accused in 1835 was a survival from a very old time when, if money was to be spent for the good of the town, there was but one obvious way of spending it. Those were not the days of baths and wash-houses and free libraries, of electric lighting and technical education. The common good of the town is the common good of the townsfolk; and this means a banquet, or at least a small drinking[2].

It is long before the community outgrows the old, automatic, self-adjusting, scheme of 'common' rights and duties. Cambridge was very dirty; its streets were unpaved. In 1330 the masters of the University complained to the king in Parliament. What, let us ask, will be the answer to their petition? How ought the town to be paved? Should the municipal corporation let out the work to a contractor, or should it institute a 'public works department'? Nothing of the sort. The mayor and bailiffs should see that every man repairs the road over against his own tenement[3]. That is the way in which the men of Cambridge should pave the town of Cambridge. That is the way in which they will pave it in the days of Henry VIII. and of George III.[4]

[1] Records of the City of Oxford, 306, 311, 337. Compare Cooper, Annals, iii. 146.

[2] In 1829 Mr Taunton, arguing for the Corporation of Cambridge in one of the disputes about tolls, supposes that the bailiffs had been entitled to apply any profit that they made 'for the payment of the expenses of their office, and perhaps also—and I do not see any great harm in it if the fact was so—for the purpose of paying for a good dinner once a year.' See Gierke, Genossenschaftsrecht, ii. 370 ff.

[3] Rolls of Parl. ii. 46; v. 429–430. [4] Cooper, Annals, i. 409; iv. 429.

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The men of Cambridge after many struggles obtained control over a great fair. It was to become the greatest fair in England. What was their idea of the manner in which this 'franchise' should be made profitable to the town? It was this, that every burgess should, if he wished it, have a booth of his own in the fair. That booth was to be his vendible, heritable, bequeathable booth, though none but a burgess was to be capable of holding it. Indeed in course of time a very curious form of property was developed. The booth was treated as copyhold property 'held of' the corporation by the burgess, and yet you will understand that the material booth only existed for a few weeks in the year. The booths were erected in one of the arable fields; the owners of the strips made no complaint since the refuse of the fair was such good manure. Far indeed was it from the minds of the men of Cambridge that the whole profit of this 'franchise' should go into a common chest and be expended for the good of an 'it.' The fair was their fair, and they (each for himself) meant to make profit thereout[1].

No; the Town which has rights and duties, the Town which owes and is owed money, the Town which can make a contract even with one of the townsmen, the Town which can be landlord or tenant, the Town with which the treasurer can keep an account, slowly struggles into life. If we are to understand the process we must study at close quarters the methods in which the affairs of the borough are conducted, the growth and expenditure of a revenue, the incidence of profit and loss. We must

[1] Cooper, Annals, i. 149, 150; ii. 70, 133, 270, 325. However, there were 'treasurer's booths,' the rents of which went to the common chest. The right of the individual burgess in his 'booth' is a very curious instance of the *iura singulorum in re universitatis*. The statement about the manure is from Defoe's description: Cooper, Annals, iv. 176.

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watch carefully for the first appearance of the common chest, for the appearance of a treasurer, and for the appearance of a council that administers property beside or in the stead of the old moot that deemed dooms. What I may call the business side of municipal life must come by its rights. Political and constitutional history will thereby gain a new reality. If we fail to see this need, it is because we carry our methods of business into an age which knew them not and our thoughts into an age which did not and could not think them.

We go back to King John's charter. In some sort, some vague sort, the vill of Cambridge has for centuries past belonged to 'the men of Cambridge.' And now it is to belong to them in some other and some more definite sense. They and their heirs are to hold it of King John and his heirs at a rent. When we think of the grantor and his royal rights, of the grantees and their complex interests, of the strips in the fields and the odds and ends of sward, of the green commons of the town, of the house-covered nucleus, of the potential building sites, of the patch-work of fiefs, the net-work of rents, the borough court and the little manors, we shall say that King John's language is hardly worthy of the occasion. There will be a deal of disputation before a jury of London merchants puts the right or wrong accent on his majesty's words.

VI.

What did King John mean, or rather, what did he really do when he granted the town of Cambridge to the burgesses of Cambridge and their heirs? On the one hand, did he mean to place the burgensic community, or the burgesses taken somehow in the mass, upon the feudal

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ladder of land-tenure, so that this community would hold every inch of the soil of the vill either 'in demesne' or 'in service.' To put the question in a more modern shape:—Was this community to be owner of the waste and landlord of all the tenanted land? Or, on the other hand, was the community merely to step into the sheriff's shoes as collector and farmer of certain royal revenues, house rents, land rents, market tolls and the profits of mills and courts?

If the community is to be landlord of the whole vill, then strict logic will compel us to say that it is lord of the Earl of Huntingdon, lord of the Earl of Leicester; it stands feudally between the king and some mighty people who perhaps are unaware that scraps of their fiefs lie in the fields of Cambridge. Also, and this is of more importance, no tenement in Cambridge can now escheat to the king. If it escheats to no lower lord, it escheats to the community.

I believe that we may say with some certainty that the king did not mean to abandon the escheats[1]. The sheriff had not been entitled to them; the burgesses would not be entitled to them. At the present day the municipal corporation of London still, so I understand, holds in fee-farm not only 'the city of London,' but also 'the county of Middlesex.' We do not, however, conceive that it is a landlord interposed between the Queen and the Middlesex freeholder. But if the community of Cambridge is not to have the escheats, has it any seignory, any lordship of any sort or kind over the vill? And what of the waste lands within and without the ditch? A sheriff would not have been entitled to make his own profit of them.

I think it fairly plain that the king did not mean to abandon his hold, such as it was, upon the waste. Still

[1] Append. § 116.

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the question was not pressing, and the state of affairs was complicated. The intramural waste consisted chiefly of market places, streets and lanes daily used by the inhabitants. The extramural waste consisted chiefly of green commons, upon which the beasts of burgesses, canons, nuns and knights were rightfully grazing. Apparently Henry I. had given away a piece of green common in order that Pain Peverel might build a priory upon it[1]; but I doubt the king would have claimed more than a somewhat indefinite right of innocuous 'approvement.' Tenants of very great people were turning their beasts onto the waste.

Then in 1330 there was an event of importance. The townspeople went to the king with a pitiful tale of a crushing fee-farm rent and inadequate resources. They asked leave to 'approve[2],' that is, to make their profit of, the small lanes and waste places of the town. The king told them that a jury might be summoned to inquire whether their prayer could be granted without damage to him or to others. If an inquest was taken, the record is not forthcoming; at least it has been searched for on more than one critical occasion. Three centuries afterwards the Cambridge gownsmen will protest that the burgesses let the matter drop[3].

I doubt it. Very soon after this the corporation—for we may fairly speak of a corporation now—began to grant leases of bits of 'waste' or 'common' ground within the ditch, and such leases were accepted by the colleges. This was just the time, the middle of the fourteenth century, when in rapid succession colleges were being founded at Cambridge. There were lanes to be stopped; nooks and corners to be utilized; the potential were

[1] Append. § 121.

[2] For this word, see Oxf. Eng. Dict.

[3] Cooper, Annals, i. 84; Rolls of Parl. ii. 47.

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becoming actual building sites. I am inclined to infer that the burgesses had obtained the desired licence, and not that they had taken French leave. You will see, however, that they had made what might prove to be an awkward admission: John's charter had not given them any absolute mastery over these waste places[1]. On the other hand, at least if no royal licence had been obtained, the colleges were making awkward admissions when they accepted leases. Then in the fifteenth century the kings made admissions. Henry VI., when he was founding King's College, bought divers lanes and void places from the corporation, and Edward IV. requested the corporation to sell some of its (or their) common land to Queens' College[2].

Such transactions are very interesting in my eyes. I fancy that it is in the course of dealings with intramural 'waste' that a true corporate ownership of land first sharply severs itself from the old nebulous community. The piece of land that is let on lease ceases to be 'common' in the sense that it can be used in common by the men of the town. The rent that takes its place should not be divided between them, but should be expended for the good of 'the town.' The Town that seals leases, that takes rents, is becoming a person; it is ascending from the 'lower case' and demands a capital *T*.

I see this process in another quarter. Slowly emerges the idea that the Town is the lord of all the houses, or at least of all that pay the haw-gavel. We have an opportunity of studying the growth of this idea. You know that when a tenement is to be given in mortmain, the king orders that inquiry be made whether the gift will damage him or any one else (*inquisitio ad quod damnum*). In answer to this question, the jurors will talk about the tenure of the land. Now in the oldest inquests relating

[1] Append. § 122. [2] Append. § 120.

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to Cambridge, the theory expressed by the verdict is that, if a tenant holds of no one else, he holds in chief of the king, even though he pays gavel to the men of the town: they collect the king's rents, but they are not lords of the land. There is a change about the middle of the fourteenth century. We then hear a distinct assertion that 'the men of Cambridge' stand as mesne lords between the king and the people who pay the gavel[1].

Then at the beginning of the sixteenth century the corporation obtained an important recognition of its lordship. Two colleges, Michael House and Gonville Hall, went to it for mortmain licences. The admission was made that a certain manor which had been in the hands of great people, the Mortimer manor with 99 acres of arable land 'in the fields and town of Cambridge,' was 'held of' the corporation[2]. That escheats were ever claimed I do not know: that seems to me the weak spot in a Town's feudal armour.

There is a point of view whence we may regard the fourteenth century as the golden age of the boroughs. The transition from 'community' to corporation is accomplished: the town (if I may repeat the phrase) gets its capital *T*. This is not pure gain to town or nation, and some have seen here the beginning of the long process which culminates in shame and disaster. The conciliar constitution, which takes the place of the looser moot constitution, may easily become a narrow oligarchy. The 'all' that is unity will not coincide with, may stand far apart from, the 'all' of inhabitants. But there is much to be said of the valuable lessons in the political art which Englishmen were teaching themselves in their town halls[3], and at any rate there was a great technical advance. The

[1] Append. § 117.
[2] Append. § 118.
[3] Green, Town Life, ii. 273.

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Town is a person, and may be a landowner among landowners, lessor, hirer, creditor, debtor. It will soon begin to speculate in land. The corporation of Cambridge will take a lease of the Mortimer manor, thus becoming tenant of its tenant[1]. I believe that some similar transaction with Merton College complicated the dispute of 1803[2]. When the White Canons of Sempringham had been disendowed, the Town acquired their lands and became the owner of strips in those fields over which it claimed a lordship[3].

Does it own the green commons? There will be difficulties about the development of ownership in that quarter. In the first place, there are powerful 'commoners' who stand outside the community: the Prior of Barnwell for instance. In the second place, there is a growing class of small folk, who are apt to call themselves 'the commons of the town,' though they also are getting left outside the corporate community, and they take a deep interest in the green commons of the town, as is evident at the insurrection of 1381. Some control over both the green land and the idle field the corporation exercised. When the Prior turned out too many beasts, they were impounded, and in 1505 arbitrators decided that he must be 'sessed and stinted' according to the quantity of his land, like other people[4]. The exact nature of this stint I do not know, but from what follows I fancy that it had been of the old rural kind which gives the arable a strong claim upon the pasture. If so, it might well be unpopular among 'the commons of the town.' Trouble was brewing in that quarter. Did the corporation own the green land, and, if so, could it do what it pleased with its own?

[1] Cooper, Annals, i. 298; iii. 19. [2] Append. § 145.

[3] Cooper, Annals, ii. 71.

[4] Cooper, Annals, i. 279. Also the corporation seems to have received four pence an acre for saffron planted in the fields (ibid. 344); I suppose that the planting of saffron broke the common course of cultivation.

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In Edward VI.'s day it seems to have licensed some few inclosures. There was an outcry. 'A pece of noysom ground is taken in owte of the common and enclosed with a muddle wall at the ende of Jesus lane, for the whyche the incorporation of the towne is recompensed, but not the whole inhabytauntes of the towne, which finde themselves injured[1].' Thus the corporation of the town, the all that is unity, no sooner begins to realize and exercise its ownership than it is opposed to a clamorously plural all, which find 'themselves' injured.

We have reached 1549. Such complaints were receiving encouragement in high quarters. There was a serious insurrection. It was the time of Kett's rebellion, and the 1549 like the 1381 leaves its mark on our fields. The fences went down and up went a rude hedge-breaker's hymn telling how the stakes were flung into the river.

Syr I thinke that this wyrke
Is as good as to byld a kyrke
For Cambridge bayles truly
Gyve yll example to the cowntrye
Ther comones lykewises[2] for to engrose
And from poor men it to enclose.
* * * * * *
The poor say god blesse your harte
For if it contynewyd they shuld smarte
The wives of it also be glad
Which for ther cattell lyttel mete had
Some have but one sealy cow
Wher is no hay nor straw in mowe
Therefore it is gud consciens I wene
To make that comon that ever hathe bene[3].

'To make that comon that ever hathe bene':—but 'common' will bear many shades of meaning, and these hedge-breakers do not seem to find their ideal in a 'municipalization of the land.'

[1] Cooper, Annals, ii. 38.
[2] Can this word be right?
[3] Cooper, Annals, ii. 41.

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The inclosures had not, I think, been of a very serious kind[1]. The ruling body, so far as I can see, was endeavouring to play a conservative part, and to maintain the ancient rustic arrangement. The pasture was still to subserve the arable. Old houses, more especially those with broad gates, might send beasts to the green, and, for the rest, the number of cattle was to be proportioned to the shares of tilled land[2]. There was still a town bull. All who turned beasts onto the common ground were to pay for the support of this august animal[3], and were to put their cattle before the common herd. In Oxford also there was at this time a common herd, and a habitation for him was to be built over Port Mead Gate[4].

But there were strip-holders who would not contribute: the colleges. More and more strips had been falling into their hands. In 1554 they had, we are told, refused to be rated for the quantity or quality of their cattle. They felt, I fear, that they had no common ground with the common herd. And now we begin to hear about the fee-farm. These scholars, who 'have nothing but by suffrance' in the common ground, will not permit the burgesses to make profit of the soil as by setting willows and other gainage towards the levying of their fee-farm wherewith they stand charged to the Queen's highness[5]. A Town which thinks itself oppressed always tries to show that the security of the fee-farm rent is being impaired.

In 1579 the corporation desired to inclose a piece of green for a short while and to employ the profits in raising a hospital for the relief of the poor. The University was aroused. Letters came down from the

[1] Cooper, Annals, ii. 38.
[2] Cooper, Annals, ii. 55.
[3] Cooper, Annals, ii. 85.
[4] Oxford City Documents, 428.
[5] Cooper, Annals, ii. 88.

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Privy Council telling the burgesses that, however laudable their desire for a hospital might be, they must not make inclosures without the consent of those interested in the common: in particular, the Vice-Chancellor should be consulted[1].

The incorporated 'men of Cambridge' were in a strait between these academic hidesmen and 'the poor inhabitants of the town' with their seely cows. In 1583 the corporation issued an elaborate 'Act for avoiding of the surcharge of the comon[2].' An alderman 'yf he houlde and occupie one plowe land' may turn out four beasts: and so forth. A house, unless it were built three years before the date of this ordinance, is to confer no right of pasture. These will seem very proper regulations if we regard the Cambridge community as agricultural, and that alderman with his one plough land looks charmingly Anglo-Saxon. The number of commoners should not be subject to indefinite increase. But the rule was too stringent. In the same year a concession was made 'for the relief of the poor people of this town.' The line is to be drawn now and not three years ago. Any one who now has a foredoor opening into any street or common lane may send a beast to the green[3]. No house that is built hereafter will give the right. It is a natural restriction; but not perhaps very urban, nor easily enforceable if the town grows.

At the same time the corporation was endeavouring to regulate the use of the arable fields in a manner not unfavourable to the poor. No cattle great or small are to be put upon the stubble until the poor people have passed over and gleaned in the same. On the other hand, no one is to depasture any balk until the corn growing on either side be carried or set in shock. The master of a

[1] Cooper, Annals, ii. 369. [2] Cooper, Annals, ii. 391.
[3] Cooper, Annals, ii. 392.

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college may keep two geldings upon the green, but no other 'scholler colligener' shall keep any[1].

Then in 1587 there was open war with the University[2]. One William Hammond had put hogs 'a cattle not commonable' on the green. They were impounded by order of the Mayor. The man was a bailiff of Jesus College and therefore, so it was contended, within the chartered privileges enjoyed by scholars' servants. The Vice-Chancellor imprisoned the pounders and defied a *habeas corpus*. The University told Lord Burghley that the colleges were 'in effect' the owners of all the lands in the fields, and therefore had a better right to regulate the pasture than had the municipal corporation. An historical argument was advanced. The corporation holds no court baron, whereas there are at the least three lordships in the fields having tenants and keeping court baron and leet, the manor of Cotton Hall, the Radegund manor and the Merton manor[3]. This was in those days an effective argument, though it was far from proving all that it was meant to prove. The borough court was older than manorialism; Cambridge had never been a manor, though little manors had been formed in Cambridge.

Then the University made a bold move and struck straight at the citadel of the town. In 1601 it obtained from Queen Elizabeth a lease of the tolbooth or common gaol[4]. Now if the charters of ancient kings had conveyed the ownership of any soil, surely it was the soil on which stood this symbol of municipality. Then the Attorney General, Sir Edward Coke, a loyal gownsman, took proceedings against the town gaoler for intruding into a place that pertained to the Crown. When Coke was no longer Attorney, the matter was referred to Sir Henry

[1] Cooper, Annals, ii. 392.
[2] Cooper, Annals, ii. 437.
[3] Cooper, Annals, ii. 444.
[4] Cooper, Annals, ii. 615.

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Hobart and Sir Francis Bacon, who seem to have been unwilling to decide the legal question, but to have told the University that its venture was discreditable. 'They thought it not fit for the honour of the University to question so ancient a title[1].' Thus the townsmen kept the tolbooth, and their turn to play had come[2].

Oxford had by this time a bishop and was called a 'city,' also its mayor had been made escheator. The Cambridge folk would not be behind hand. They desired that Cambridge might be a city 'as it hath [been] of ancient time[3],' and their mayor was to be as grand a man as the mayor of Oxford. I am at one with them in thinking that Cambridge, an old shire-borough, was, according to an ancient usage, as good a *civitas* as any in England, and that the theory which makes a bishop essential to a city was borrowed from France and misunderstood by its borrowers. However, though the burgesses spoke prettily of the University, the masters and scholars scented some deep-laid plot. Among other things the townsfolk asked for an 'explanation' of that old grant in fee-farm. Again I am at one with them in thinking that such a grant does need explanation. The University protested that King John's charter 'never carried the soil' and asked that it might be, not explained, but recalled, 'seeing this colour of being lords of the soyle encourageth them to build and pester every lane and corner of the towne with unholsome and base cottages, which receive none but ydle and poore distressed people

[1] Cooper, Annals, iii. 27.

[2] The quarrel about the tolbooth was old. The University was attacking a weak, though central, spot, for, granted that in some sort the tolbooth had been given to the corporation, still it was 'the king's prison.' See two letters of Thomas Cromwell, Cooper, Annals, i. 373, 377. The University also went so far as to question the Town's title to the King's Mill. This is apparent from a paper preserved by Cole. See Brit. Mus. MS. Addit. 5852, f. 192 b. The University's theory about the mill seems to me a long mistake.

[3] Cooper, Annals, iii. 107.

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that live and pray uppon the University[1].' You at Oxford were making a similar complaint: 'the insatiable avarice' of the citizens had burdened your University with 150 new cottages[2].

Then as to the escheatorship our academic rulers made a remark which interests me deeply and has been in some sort the motto of my discourse. They say that heretofore there has been no need in Cambridge for any escheator, 'because, no certeine lord of the soyle being knowne, the rents and services of houses and lands in Cambridge have not been exactly looked into[3].' If an escheator is set to work, they argue, all the tenures will be converted into tenures *in capite*, for no one will be able to show by what other tenure a dead man held his land, and the Crown will claim a wardship of his heir.

Now, as a college never leaves an infant heir, these collegians were showing a thoughtful consideration for others. But what they said about rents and services seems to me of great importance. The rents and services have not been exactly looked into. Feudally Cambridge was patch-work, net-work, mess; many of the tenurial threads had been forgotten. However (to finish this episode) the University knew how to please the pedantic king: 'Reipublicae literariae cives sumus.' To which he answered: 'Non honestatur plebeia civitatis appellatione Musarum Domicilium[4].' So Cambridge is but a borough to this day, and I doubt our mayor is escheator.

Happily for the municipal seignory, the colleges had varying interests and were not always the best of friends. Some of them had already taken from the burghal corporation conveyances of 'common ground' when there was a large transaction. Hard by Trinity there lay an

[1] Cooper, Annals, iii. 110.
[2] Boase, Oxford, 137.
[3] Cooper, Annals, iii. 111.
[4] Cooper, Annals, iii. 113–4.

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enviable piece of green. After long negotiations this was conveyed to the college. In exchange the college conveyed to the corporation a patch of arable ridges in one of the cispontine fields, Middle Field[1]. 'For the avoiding of scandal and oppression that might be attributed or laid to the Town or College,' this tract was to be converted 'from tillage unto sward ground,' and, for the purpose of pasture rights, was to be substituted for the green which the college was acquiring[2]. Then St John's, the holder of many strips in the fields, took offence. An amusing dispute ensued. In its details we are not interested; but the Johnians could represent the action of their neighbours as the base betrayal of a great cause. The men of Trinity have admitted the Town's ownership of the waste, its lordship over the fields, whereas who knows where the lordship is? May be with Merton, may be with St John's, may be with Jesus: 'of all in Cambridge Jesus College is as lykely to haue a lordship by Radigund as any other.' Soon after this, however, the Johnians themselves were making a bargain with the Town, and then it was Merton's turn to protest[3]. The Town was one; the Colleges were many.

Then in 1624 there is an armistice, and we see the Mayor and Vice-Chancellor laying their heads together in order that they may stint the pasture:—Six beasts for six score acres: two beasts for a house with broad gates: one beast for every other house or cottage[4]. There had been a scare about the growth in Cambridge of an indigent populace, attracted thither from the villages by the green commons and those chances of pilfering and filching grass and corn that were offered by the open field and the

[1] Append. § 34. [2] Cooper, Annals, iii. 58.

[3] R. F. Scott, Enclosure of Trinity College Walks, Camb. Antiq. Soc. Proc. viii. 261; Willis and Clark, Architectural History, ii. 407.

[4] Cooper, Annals, iii. 164.

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champion husbandry[1]. No doubt the peculating unthrift, of which Tusser complained, was at its worst in the outskirts of a growing town. We have heard the hymn of the hedge-breaker; let us listen to the hymn of the good husband.

> More profit is quieter found
> Where pastures in severall be
> Of one seely acre of ground
> Than champion maketh of three.
> Again what a joy it is known
> When men may be bold of their own[2].

But, what with seely acres and seely cows, the disruption of this old community is a slow and painful process.

And now, I regret to say it, our Cambridge annalist ceases to tell of open fields and green pastures. Men were thinking of other things. A 'less thegn' of the neighbourhood, Oliver Cromwell of Huntingdon Esquire, was made a free man of the town[3], represented it in parliament, and then 'timbered' the old *burh* once more[4]. Parliament seems to suck the life blood of all other institutions. At length the municipal corporation became hardly better than a Tory dining-club, commended body and soul to a thegn of the shire, and, as Domesday would say, *non potuit recedere ad alium dominum.* The story of the decline and fall of the corporations is curious if disgraceful. The constitutions of Oxford and Cambridge were closely similar on paper. They went to the bad in different ways. The free men of Oxford were numerous; the free men of Cambridge few. Too many of the Oxford corporators lived in the work-house; too many of the Cambridge corporators

[1] Append. § 16.

[2] Tusser, A Comparison between Champion Country and Severall, stanza 22, ed. Mavor, 1812, p. 209.

[3] Cooper, Annals, iii. 297.

[4] For Cromwell's works at the castle, see Hughes, Camb. Antiq. Soc. Proc. viii. 197.

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lived near Cheveley. It is of beer and mob-rule that we read in the one town; in the other of oligarchy and wine: 'excellent wine,' said an unregenerate alderman, 'and plenty of it[1].'

There are two remarks about the municipal decay that I should like to make, since they bear on my story. The shameless misuse by the last two Stuarts of the prerogatival processes whereby the medieval boroughs had been sometimes capriciously vexed and sometimes wholesomely controlled had this among its bad effects, that after a Glorious Revolution the corporations stood free from national supervision. No one was going to seize liberties or cancel charters any more; the ancient royal rights were dead and nobody was to revive them. One almost trivial consequence of this grave change is that we are no longer likely to hear of *dominus Rex* as a possible claimant for the seignorial allotment in the Cambridge fields. Secondly, Parliament fostered the notion that the property of the corporation was morally the property of the corporators, by entrusting to other bodies, groups of commissioners and the like, those new powers and duties that were to answer new urban needs. The watching, paving, lighting of the town, these matters were no affair of the corporation; with the relief of the poor it had nothing to do. There was a vicious circle; the corporation was untrusted because untrustworthy, untrustworthy because untrusted. For what end then did its property exist? For the election of the patron's nominee, and then for the 'common' good of the corporators: and that may mean dinners or a division of the income or even of the lands among them. Morally the Town loses its personality; for it loses the sense of duty.

[1] For Oxford, see Munic. Corp. Rep. 1835, App. i. 97; for Cambridge, iv. 2185.

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Apparently the green commons at Cambridge were utterly neglected. Everybody turned out what beasts he pleased, taking the risk of having to drag them from a dismal swamp. That was a temporary solution of the problem. What was common was dirty and noisome[1].

I need not say that all this is otherwise now-a-days. The commons are drained and the cows that I see there seem to be seely enough. But our interest lies in the fields where lordship goes a-begging. I suppose that the colleges and other landholders from time to time did what they could to accommodate themselves and each other in the barbarians' maze of acre-strips. Something could be done by exchanges; but not all. At length in the first years of our century a project for the inclosure of the transpontine fields was mooted, and then arose the question: Who is lord? Who should take the seignorial allotment? Who all this time has been owning these balks? The incorporate Borough did not, I believe, advance its claim until the eleventh hour. Parliament sent the question to a jury of London merchants. Merton College, the successor of the Dunnings, bore the brunt of the struggle. If I am not mistaken, it was the only owner that could boast of copyholders and still kept manorial courts. Also, being (if I may so say) an absentee landlord, it had less to accuse itself of in the matter of awkward admissions than some other claimants may have had. The trial took but one day: the times were pre-historic; or post-historic, for the admirable Madox had left no successor. I know only a report in a Cambridge newspaper, and I dare say that it understates the Mertonian case. For the municipal corporation John's charter was displayed—a grant of the vill of Cambridge to the burgesses of Cambridge and their heirs—and some modern acts that could be construed as

[1] Append. § 134.

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acts of ownership were proved. On the other side reliance was placed on the manorial courts. Mr Justice Lawrence, it would seem, told the jury that they had better find a verdict for the Town; and this they did[1]. In the cispontine fields, which were soon afterwards inclosed, the Prior of Barnwell by his successors asserted a lordship, but in the end declined the combat. *Dominus Rex*, you will observe, was not among the claimants. Had the case occurred three centuries earlier, I doubt he would have been silent.

It looks like a masquerade: Picot's canons and Malcolm's nuns, Walter of Merton and that militant mayor Hervey the son of Eustace the son of Dunning, pleading before a jury of London merchants for the ownership of the balks and odds and ends of sward that occurred in the barbarians' labyrinth, pleading against a community that has had adventures, a knot of heathen hidesmen, a township of 'early English' burgmen, a corporation of medieval burgesses, which has somehow become both *persona ficta* and a Tory dining club.

We might be in the fashion if we gloried a little over this victory of a Town. Might we not see here a return to the good old days, a restoration of the primitive and legitimate dominance of the community over the individual? Well, I don't know about that. Perhaps we had better leave the ownership of these balks, or of the allotment which takes their place, just where we found it, in the happy haze of 'collectivism.' Let us hear once more the atavistic voice of the common-councillor. 'He thought that the property belonged *bona fide* to the corporation and that they had a right to do what they pleased with their own.... The corporation had a right to expend their income on themselves and their friends,

[1] Append. § 145.

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without being bound to apply any part of it to the good of the town.'

I see no cause to quarrel with the verdict; but I think that as students of history we have some cause to quarrel with the quietly made assumption that these fields had some manorial lord, that there must be a lord with manorial rights in this waste, rights of a proprietary order which should not be abolished without compensation. These old county towns do not pass through the manorial phase. The king was their lord, but not their manorial lord; in the eleventh century hardly their landlord; the land on which they stood was not *Terra Regis*. But I admit that in the middle ages it is hard to draw the line between private right and public power; or rather, I have been trying to persuade you by a modern example that it is exceedingly hard to disengage those elements of property and rulership which are blent in the medieval *dominium*, and to unravel those strands of corporateness and commonness which are twined in the medieval *communitas*.

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APPENDIX

OF NOTES AND EVIDENCE RELATING CHIEFLY TO CAMBRIDGE.

§ 1. At Cambridge, as at Oxford, a supposed Roman town has been retiring before the modern investigator[1]. The *Camboritum, Roman Station* of our ordnance map is a disputed conjecture. With this we need not meddle. 'Chaque jour l'idée d'une survie des institutions municipales romaines a perdu plus de terrain[2].' What perished in Germany, Gaul, Spain, Italy did not persist in abandoned Britain. It has, however, been a common belief that the Grentebrige of Domesday Book lay wholly to the north of the river[3], and this theory of a little transpontine Cambridge we must not allow to pass unquestioned.

§ 2. In the first place, the tower of St Benet's Church raises its protest. The houses which that church implies were a part of Grentebrige or they are not accounted for in the Conqueror's geld-book. The Survey of Cambridgeshire has no name to spare for the vanished village.

§ 3. But further, the Grentebrige of the Confessor's time had, so it seems to me, too many houses to be packed into the transpontine area. It was a town of 400 houses divided into ten wards. In 1086, when William made the inquest, 27 houses (but no more) had been destroyed in order that the castle might be reared, and two of the ten wards had been thrown together. This double ward had 54 houses. We add the 27 and thus obtain 81. The other eight wards contained 48, 41, 45, 50, 37, 37, 32, and 29 houses respectively. Altogether there had been 400 houses, and these were distributed with some approach to equality among the ten wards. We know that the second of these wards

[1] For Oxford, Parker, Early History of Oxford, 62; for Cambridge, Hughes, Cambridge Castle, Camb. Antiq. Soc. Proc. vol. viii. p. 173; Atkinson and Clark, Cambridge, 4.

[2] Flach, Les origines de l'ancienne France, ii. 216.

[3] Babington, Ancient Cambridgeshire, 11; Freeman, English Towns and Districts, 238.

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was called the Bridgeward. We know also that the fourth ward contained a church which belonged to the abbey of Ely[1].

§ 4. Were all, or nearly all, these houses on the left or northern bank of the river? Apparently the partizans of a little Cambridge propose to force 400 houses into a space which in 1279 contained some 70 or 80, which in 1749 contained no more than 209, and in 1801 no more than 276.

§ 5. Two centuries after the Conquest the Cambridge of the Hundred Rolls has only 550 houses or thereabouts, yet it includes the 17 medieval parishes, it includes the little hamlet of Howes on the confines of Girton, it includes the suburb of Newnham, it includes the considerable suburb of Barnwell with nearly 100 houses. The house-bedecked area extends southwards as far as the King's Ditch and the Trumpington Gate, and there are still houses beyond. At this time the three transpontine parishes (St Giles, St Peter by the Castle, All Saints by the Castle) have in all only some 70 or 80 houses.

§ 6. I see the Grentebrige of the Confessor's day as a very sparse group of houses. I should not be surprised if it already reached as far south as the King's Ditch of later days and if only two or three of its ten wards were transpontine. At this time a vill of 40 houses was rather large than small. Cambridge had 400. Take the house-bedecked nucleus of an ordinary village and magnify it ten-fold; it will cover a good space of ground. I would not suggest that the nucleus of a borough was as loosely compacted as was the nucleus of a common vill: but we must leave much room for what we should call farm-buildings, for orchards and little crofts.

In its account of York, Domesday Book tells of *minutae mansiones* which were 50 feet wide[2]. In its account of Wallingford it tells of 11 houses on an acre, of 6 houses on an acre, of 7 houses on two acres[3].

§ 7. The assumption that there was no ditch round the town until Henry III. made one seems to me improbable[4], and

[1] Hamilton, Inquisitio Comitatus Cantabrigiae, 121. The evidence may, however, be so read that a certain ward, known as the Sixth, had been utterly destroyed. See Atkinson and Clark, Cambridge, 9. [2] D. B. i. 298. [3] D. B. i. 56.

[4] Domesday Book shows in a casual way that various boroughs are ditched or walled. Dr Stubbs, Const. Hist. i. 438, reckons Canterbury, Nottingham, York, Oxford, Hereford, Leicester, Stafford, Lincoln and Colchester in this class.

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Prof. Hughes has gone far towards disproving it[1]. Just outside the town ditch of the thirteenth century there ran a lane. Before it became our modern Pembroke Street it had borne various names. The most ancient of these is Landgrytheslane[2]. Is not this the limit of the ordinary land-peace? Within the ditch the stricter *burhgriþ* reigns. If this be the true explanation, both name and limit should be very ancient.

§ 8. No one can look at Mr Clark's beautiful plans without seeing that the Cambridge of the fourteenth and fifteenth centuries was not thickly crowded with houses. There was plenty of room for many more. When Henry VI. purchased a large site for his magnificent college he had not to deal with any countless multitude of householders[3].

§ 9. As our argument depends in part on the supposition that the account of the town which we obtain in 1279 is, so far as buildings are concerned, fairly complete, I have analyzed it with the following results[4].

Cambridge in 1279.

Parishes	Houses	Vacant Places	Shops and Booths	Barns etc.
St Giles	37	4		1
St Peter (Castle)	18		1	
All Saints (Castle)	17	4	5	3
St Clement	34	1	5	
St Sepulchre	8			
All Saints (Hospital)	10	1	3	4
St Radegund	2			
St Michael	19	4	1	4
St Mary	45	8	30	
St Edward	27	2	15	
St John	40	4		
St Benet	49	9		
St Botolph	38	3	2	
St Peter (Gate)	34	5	4	
St Andrew	11	1		
Trinity	10			
Barnwell	95	2		
Unspecified	40	1	9	
	534	49	75	12

[1] Camb. Antiq. Soc. Proc. viii. 32, 255.

[2] Willis and Clark, Architectural History, i. 334 ff.

[3] Rot. Hund. ii. 381.

[4] Cooper (i. 58) reckoned 535 messuages, 76 shops and stalls, 5 granges and 6 granaries. My calculation is wholly independent of his.

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§ 10. We may compare these with later figures, and for this purpose will leave out of account the shops and booths (*seldae*) of 1279, as they were not dwelling-houses[1].

Houses in Cambridge at four periods.

	1279		1749	1801	1841
St Giles	37	St Giles	145	194	463
St Peter (Castle)	18	St Peter	64	82	137
All Saints (Castle)	17				
St Clement	34	St Clement	109	109	204
St Sepulchre	8	St Sepulchre	97	104	133
All Saints (Hospital)	10	All Saints	122	127	230
St Radegund	2				
St Michael	19	St Michael	60	51	75
St Mary	45	St Mary (Great)	156	140	185
St Edward	27	St Edward	113	131	120
St John	40				
St Benet	49	St Benet	117	110	162
St Botolph	38	St Botolph	146	117	126
St Peter (Gate)	34	St Mary (Less)	98	94	141
St Andrew	11	St Andrew (Great)	203	168	395
Trinity	10	Trinity	158	185	456
Barnwell	95	St Andrew (Less)	48	79	1953
Unspecified	40				
Total	534		1636	1691	4780

§ 11. Besides the extensive growth of the town, these figures seem to tell of an intensive multiplication of tenements which in some cases is startling, and will be yet more startling when we remember that large areas have been subtracted for the foundation of colleges. Still the result does not seem incredible[2]. Let us take, for example, the transpontine area, where before 1800 there was little extensive growth. In 1279 there are 72 houses; in 1749 there are 209, and in 1801 there are 276, besides Magdalene College. Now early in the seventeenth century a strict inquiry was prosecuted by those who were frightened at the intensive growth of the town. We learn from

[1] The figures for 1749 (Carter's), 1801 (census) and 1841 (census) I take from Cooper, Annals, iv. 274, 470, 637.

[2] It will be remembered that the present parish of St Andrew the Great lay almost wholly without the ditch. The very small number of houses assigned to Trinity parish may surprise us; but the stability of parish boundaries must not be taken for granted.

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the presentments then made that the parish of St Peter contained about 58 and the parish of St Giles about 148 families, also that the whole population of the latter was about 576. Then we further learn that St Giles's parish has 396 inhabitants who are 'harboured in the new erected houses and cottages and divided tenements': in other words, full two-thirds of the inhabitants seem to be regarded as the result of building operations of recent date and as a nuisance that invites the plague and raises the poor-rate.

§ 12. The documents whence I have drawn this information deserve a word of notice, since, though they are not medieval, they throw some light on the erection of houses within the old urban nucleus. In the days of Elizabeth and her two next successors there was a scare at Cambridge, as elsewhere, about over-crowding. Some minute statistics were collected at Cambridge. The results are preserved at the University Registry in a volume lettered 'Town 37. 3.' Of some parishes there is an elaborate census. As regards six of the parishes the outcome is summed up thus in a document written in 1632:—'There are harboured and entertayned in the new erected howses cottages and divided tenements of the severall landlords and owners mentioned in the sayd presentments the numbers of persons in every of the parishes hereafter named, viz. in

St Andrewes parishe	560 persons
Trinity parishe	360 persons
St Gyles parishe	396 persons
St Clements parishe	179 persons
Little St Marys	148 persons
St Bennitts parishe	85 persons
The total of the persons harboured in the new erected howses and cottages and divided tenements—the six parishes is	1728'

§ 13. The following from among the returns for the parish of St Andrew [the Great] will illustrate the division of the ancient tenements.

'Bennett Colledge for the Red Hart. Mr Sandiford holds it by lease. It is divided into two. Dr Hangar for the Malt Mill, one ancient tenement divided into 3. Mr Austin for the Wrastlers divided into 3. Mr Bambridge one tenement divided

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into two. Mr Martyn of London one ancient tenement out of the stables whereof hath beene erected 4 other tenements. Dr Chaderton and Edm. Ainsworth for one ancient tenement since sold into two parts and divided into 4 tenements, one whereof is Dr Chaderton's and 3 Edmond Ainsworth's.'

§ 14. In an undated statement of 'the names of every householder and the number of his family in Barnwell' the total given for the population is 264 and the names of 67 householders are set down. These householders include a farmer, 5 husbandmen, 20 labourers, a shepherd, a thatcher, 2 blacksmiths, 2 wheelwrights, 2 victualers, a brewer, 2 tailors, 2 bakers, a weaver, a cooper, a carpenter, a glover, a screenmaker, 7 'inmates,' 2 sojourners and about 12 persons with no specified occupation.

In St Peter's parish the heads of families are about 58 and include a gentlewoman, a bootwright (boatwright?), a dyer, a cooper, a potter, a pikemonger, a fishmonger, 2 innkeepers, 2 tapsters, 2 tailors, 3 butchers, a joiner, a collar-maker, 2 chandlers, a bricklayer, a blacksmith, a carpenter, 6 watermen, 4 porters, 12 labourers and about 13 persons of unspecified occupation, some of whom are widows.

In St Giles's parish the names, about 148 in all, include 59 labourers and 27 widows, 8 victualers, 7 cordiners, 6 butchers, 4 masons, 3 bakers, 2 tanners, 2 watermen, a bonelace-maker, an oatmeal-maker, 4 gentlemen, 1 yeoman and a few others. The whole population of this parish is about 576, and it seems to be supposed that 396 persons are living in houses which have been either erected or divided within the last 60 years; about 40 of them are not 'town-born' but have for the more part come from neighbouring villages; 7 horses and 29 cows are ascribed to these 396 persons.

In an account of St Michael's parish a long section is devoted to Green Street. Apparently 32 families of 151 souls live in 26 houses, of which 13 are 'new cottages,' and there are 3 empty tenements 'all new built.' The heads of families include 5 tailors, 4 alehousekeepers, 4 musicians, 3 smiths, 2 joiners, 2 cobblers, 2 masons, an apothecary, a poulterer, an ostler, a cooper, a baker, a button-maker, a shoe-maker and the 'cooke of Keys college.' Only three persons are living in their own houses; 8 houses belong to Mr John Mercer of Chesterton, 5 to Mr John Rose, 3 to Mr Alderman Lukin.

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§ 15. The general impressions left upon my mind by these curious returns, which well deserve publication, are (1) that the number of houses on a given area had been rapidly increasing during the past sixty years, and (2) that in the poorer parts of the town, namely, the parishes of St Giles and St Peter and the Barnwell suburb, the number of 'labourers' was large, and as these labourers do not include bricklayers, watermen, porters etc., they must, I think, for the more part be engaged in agriculture. There were still some 2000 acres to be tilled by someone. Even in 1801 there were 92 families 'chiefly employed in agriculture,' to be set against 1368 employed in trade, manufacture or handicraft[1].

§ 16. In a paper contained in the same volume we may find 'the chief causes of the increase of our poore in Cambridge,' and, as two of these reasons concern the divided tenements and the green commons of the town, they may be worthy of our notice in this place[2].

'1. The poore persons dwellinge in cottages and divided tenements are suffered to enioye the bennifitt of the Commons, and when the magistrats have offered to keepe them off, by force they have putt on their cattell, and this liberty of comoninge and tollerance of the magistrate hath much increased the multitude of poore amongst us.

2. When the commons are bare they scrape(?) or feede menns corne and grasse to feede their cattell, and spende their whole tyme in purvayinge for them, and will not be held to labour to gett a livinge otherwyse, soe that when the landlord seizeth uppon his [the tenant's] cattell for his rent or they [the beasts] dye, he [the tenant] is in present want and must either beg stele or borrow ....

Meanes to relieve us.

1. That all persons dwellinge in cottages and new erected howses or divided tenements be utterly debarred of commoning and theire cattell impounded yf they be taken there and the persons resisting severely punished.'

[1] Cooper, Annals, iv. 470.

[2] This paper is indexed as being 'in Registrary Tabor's writing.'

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§ 17. We are deferring the perhaps unanswerable question whether the territory of Cambridge was not originally divided between two túns. We have been speaking of the borough revealed to us by Domesday Book, and have argued for a widely spread and loosely compacted group of homesteads, a group divided by the river but united by the bridge which gives a name to the town.

§ 18. We may begin our account of the fields by visiting the Eastern or Barnwell Fields, as they were on the eve of their inclosure in 1811[1].

The area that is to be dealt with may be thus described. Start at the railway bridge well-known to oarsmen. Thence go south along the borough boundary, following it as it turns west until it comes to Hobson's Brook. For a long way you have pursued the line of Coldham's Brook and have had Coldham's Common on your right; you have crossed successively the Newmarket Road, Coldham's Lane, and (near the Sanatorium) the line of the Mill Road; sloping south-west you have cut the road to Cherry Hinton, and turning due west you have cut the Hills Road leaving Cavendish College a little to your left and outside the borough; and then going on due west you have struck Hobson's Brook. Now turn north towards the town and follow the brook. After a few yards and at the fence which ends Senior Wrangler's Walk, the borough boundary goes off to the left in order that it may hit and pursue the Vicar's Brook: Empty Common will then intervene between it and you. Keep straight along Hobson's Brook past the Botanical Garden and Brookside until you come to the Conduit Head. Turn to the right down Lensfield Road. Cross the Hills Road at Hyde Park Corner. Begin going down Gonville Place, but, as soon as you have Parker's Piece on your left, cross over onto the grass. The boundary of the fields is not Gonville Place but a line on Parker's Piece which is (for rough purposes) parallel to Gonville Place and some thirty to fifty yards from it. When you have

[1] Award dated 20 April 1811. I must ask my readers to accept my Rough Sketch of the Town of Cambridge as being a very rough sketch intended merely to show the main agrarian features. In details it is inaccurate; in particular, the river was divided into branches which made a sort of archipelago. For careful maps of the house-covered nucleus, see Willis and Clark, Architectural History, and Atkinson and Clark, Cambridge Described.

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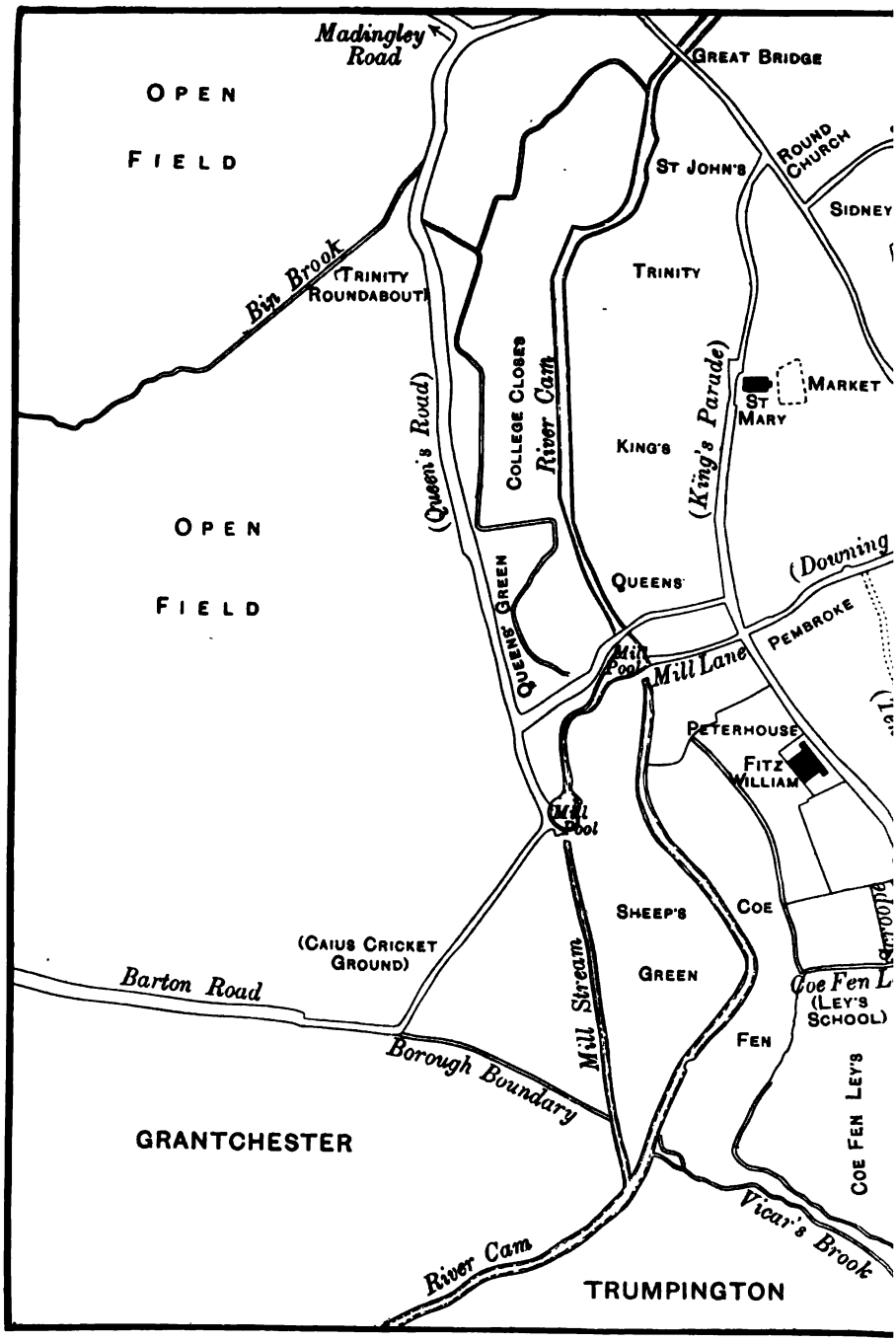

SKETCH SHOWING TOWNWARD BOUNDA

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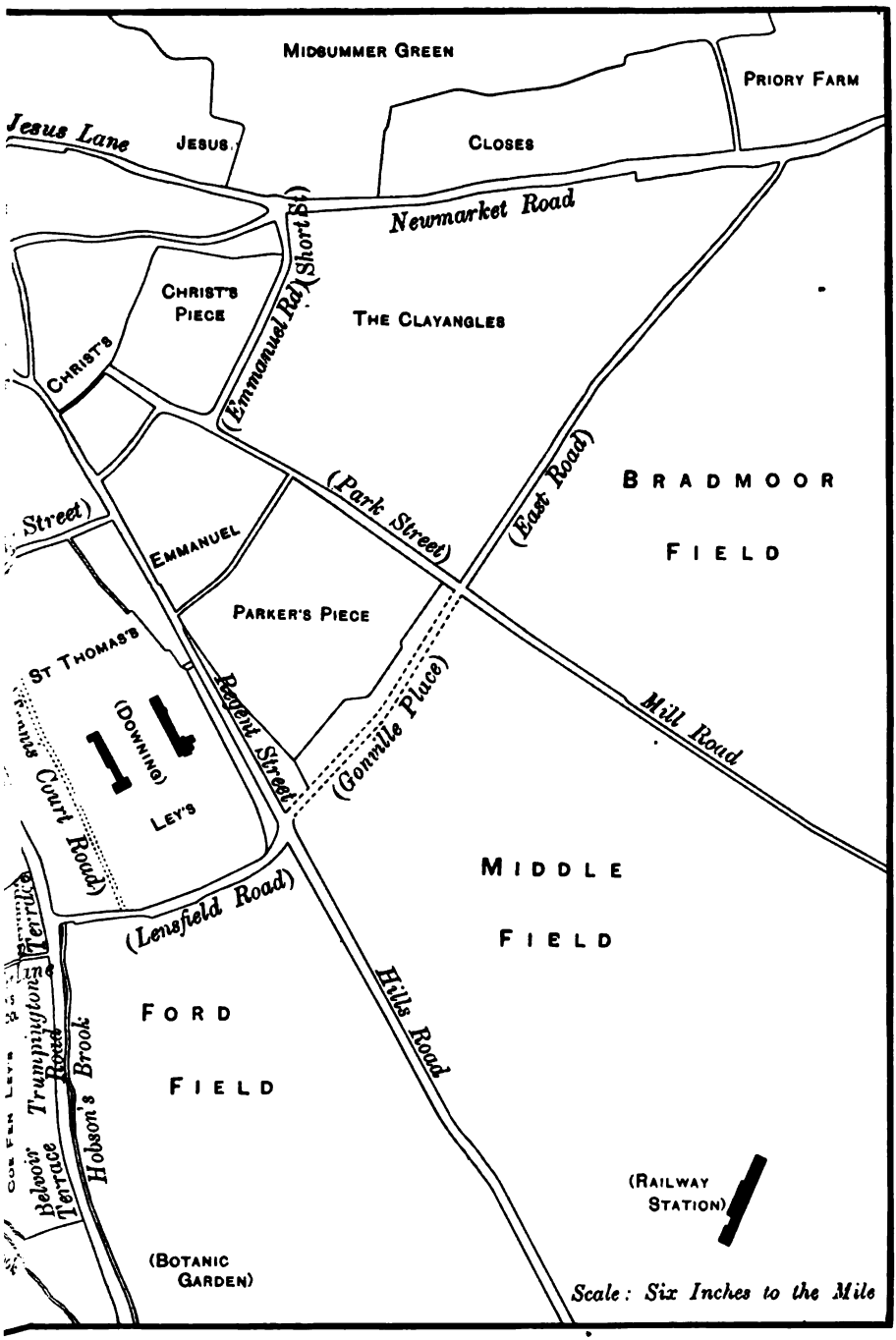

IDARY OF THE CAMBRIDGE FIELDS IN 1800

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traversed Parker's Piece, turn to the left along Park Side and Parker's Street towards the centre of the town. Go down Emmanuel Street with Christ's Piece on your left; then by Short Street to the Newmarket Road. To the left a few yards along that road. Then round the frontiers of the Jesus closes with Midsummer Common on your right until you are at the beginning of Lower Park Street. Then make straight for the river. Down the river to the railway bridge.

§ 19. Then from the wide territory that we have encircled, we must deduct three large pieces that are not to be inclosed, namely, Midsummer Common (about 66 acres), Sturbridge Common (about 45 acres) and Coldham's Common (about 86 acres). There remain about 1150 acres, and only about 50 of them are already inclosed: the remaining 1100 are subject to the commissioners' powers. The inclosed portions consist almost entirely of the Abbey Farm which marks the site of Barnwell Priory, a tenuous line of houses and cottages, which straggles along the Newmarket Road and constitutes all that there is of inhabitable Barnwell, and a few little closes that lie in the same quarter. We must destroy streets by the ten and houses by the hundred to restore the Cambridge of a century ago.

§ 20. This clearance effected, the agrarian plan is visible. Between the Trumpington Road and the Hills Road, but bounded on the townward side by Lensfield Road, lay Ford Field, so called from the ford by which the London Road entered the territory of Cambridge. Between the Hills Road and the line of the Mill Road, but bounded on the townward side by Parker's Piece (not then so large as it now is) lay Middle Field. Between the Mill Road and the Newmarket Road lay Bradmore Field; but the townward part of it which is bounded by the East Road (then Gravel Pit Road), the Newmarket Road, Christ's Piece and Parker Street was known as the Clayangles or Clayhanger. Bradmore Field seems to have extended east only as far as Coldham's Lane. Then on both sides of the Newmarket Road lay Sturbridge Field (in old documents Estenhale), bounded by Sturbridge Common, Coldham's Common, Brick Kiln Road (River Lane) and the river or towing path.

§ 21. We have traces of a three-field culture. The Liber Memorandorum of Barnwell Priory states that the Prior and

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Canons hold three ploughlands in demesne, whereof, according to the best estimate that could be made by the husbandmen and the elders (*secundum quod potest estimari per agricultores et seniores*), they have in the field called Brademerefeld and Meledich 13 score acres, and in Middilfeld 14 score acres, 'and in Fordefel and Estenhale, reckoned as one field (*pro uno campo*) 12 score acres.' Fordfield and Estenhale (Sturbridge Field) are the two outside fields and as far from each other as may be; but they are reckoned as one, probably because they are sown at the same time[1].

§ 22. In 1811 when 9 acres had been allotted to the municipal corporation for its 'right in the waste' and five tithe-takers had been compensated (the Radegund tithes belonging to Jesus College were not commuted,) there were, I think, about 22 land-owners to be satisfied. Then there were about 12 other persons with houses in Barnwell (St Andrew the Less) who had rights of common. Something less than half an acre was allotted for each right. Then the Act had admitted that there were other commoners with houses in the other parishes of cispontine Cambridge. They were to be compensated by the allotment to them of pasture ground. The three pieces selected for this purpose were a plot in Middle Field (4 A. 0 R. 20 P.) which has since been thrown into Parker's Piece, the plot in Middle Field (4 A. 3 R. 11 P.) known as Donkey's Common, and the neighbouring plot in Bradmore Field (2 A. 2 R. 12 P.) known as Peter's Field. The right of common was successfully claimed on behalf of 119 houses, which were divided among the parishes thus:—All Saints 11, Andrew the Great 20, Benet 12, Botolph 3, Clement 17, Edward 7, Mary the Great 8, Mary the Less 7, Michael 4, Sepulchre 8, Trinity 22. It will be seen that all the cispontine parishes were represented.

§ 23. We have spoken of the area that was inclosed in 1811. But we can bring the fields nearer yet to the centre of the town. I have been allowed to use a terrier belonging to Jesus College. It describes Sturbridge Field, Clayangles, Bradmore Field and Ford Field. Middle Field is described in another little book. These books are of recent date. Mr Gray tells me that the

[1] Lib. Memorand. de Bernewelle (Harley, 3601) f. 35 b. I have been using a transcript of this MS. kindly lent to me by Mr J. W. Clark.

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handwriting is that of Dr Caryl, who was Master of the College from 1758 to 1780. The whereabouts of the various *culturae* or furlongs is sometimes stated in modern terms. But, as is evident from the names of the persons to whom the strips are ascribed, the original whence these terriers derive was compiled in the second half of the fourteenth century. Going across the strips, it states (1) the number of the selions (*i.e.* ridges or 'lands') that each strip contains, (2) the acreage of the strip, (3) its owner, and (4) the church to which it tithes, this church being indicated by an initial letter. Thus:—

Selions	A.	R.	P.		
1		3	0	Alb. Can.	E.
1		1	0	P. de B.	Bot.
1		2	0	P. de Ang.	A.
2	1	1	0	Will. Essex	Ben.

Here the four proprietors are the White Canons, the Prior of Barnwell, the Prior of Anglesey and William Essex, and apparently the four churches are those of SS. Edward, Botolph, Andrew and Benet.

§ 24. Now, according to this book, a good piece of Ford Field lies to the west of the Trumpington Road between that road and Coe Fen. Walking into Cambridge by that road we now-a-days have on our left hand Belvoir Terrace, then the grounds of the Leys School, then Coe Fen Lane, then Scroope Terrace with Scroope House behind it, St Peter's Terrace, and the grounds of Grove Lodge, while the park of Peterhouse extends behind Grove Lodge and St Peter's Terrace. All this seems to have been part of Ford Field, and was described thus[1]:—

Ford Field.

Furlong 59 (contains about 3 R., is by Trumpington Ford on the west side of London road in the field called Cofen and lies south and north).

Sel.	A.	R.	P.		
				Ph. Cayley by the way	B.
		1	0	Nuns	P.

[1] The identification of the churches to which tithe is paid is not without difficulty. But I think that A=Andrew (the Great), B=Benet, Bo=Botolph, E=Edward, El=the Almoner (*Elemosinarius*) of Barnwell, M=Mary (the Great), P=Peter outside Trumpington Gate or Peterhouse, R=Radegund.

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Furlong 60 (east and west at the north end of the last and lies transverse).

Sel.	A.	R.	P.		
2		2	0	P. B.	El.
2		3	0	Ph. Cayley	B.
2		3	0	Walt. Bedford	El.
1		2	0	Han. Poplington	B.
2		3	0	Ph. Cayley	B.
1		1	0	Jno. Gibbon	M.
1		1	0	Bar. Peryn	M.
2	1	0	0	Si. Bernard	El.
2	1	0	10	P. B.	El.
2	1	0	0	Ph. Cayley	El.
1		2	0	Alb. Can.	B.
1		3	20	P. B.	P.
1		3	0	Pet. Bingham	El.
3	1	2	0	P. de Angles.	A.
1		1	20	Alb. Can.	M.
1		2	0	Jno. Turner	M.
1		1	0	Pet. Bingham	El.
1		1	0	Alb. Can.	El.
1		1	0	J. Hogon	M.
2		3	0	P. B.	El.
2		3	0	Alb. Can.	El.
2		2	0	Bar. Peryn	B.
4	2	0	17	P. B. Hawke dole (a close)	A.
	Furlong 61 (east and west at north end of last).				
1		1	0	Alb. Can. headland	B.
1		1	0	Rob. Piper	A.
1		2	0	Alb. Can.	B.
1		1	1	P. B.	El.
1		1	0	Rob. Piper	A.
1		1	0	Hugh Scale	B.
8	3	0	0	Alb. Can.[1]	El.
3	1	0	0	P. B.	El.
3	1	0	0	Baldw. Barker	El.
1		2	0	Univ.	P.
1		2	0	P. B.	P.
				A Lane	
	4	0	0	Mortimer's dole[2]	R.
1	1	0	0	Alb. Can.[3]	E.
6				Alb. Can. Peterhouse Garden[4]	El. M.

[1] 'White Canons' dole.' Note in MS.

[2] 'Mortimer's dole is all the close except the headland from the lane to Peterhouse garden.' Note in MS.

[3] 'This acre is headland to Mortimer's dole and crosses the lane to the southest land of the White Canons' dole which is at the hedge corner.' Note in MS.

[4] 'Ingle's croft is Peterhouse garden.' Note in MS.

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§ 25. There can, I think, be no doubt that this is the land that lies between the Trumpington Road and Coe Fen. Let us go back along it: outwards from the town. We start at the south of the Fitzwilliam Museum. First comes Inglis or English Croft once held by the White Canons, but purchased by Peterhouse in the reign of Elizabeth[1]. Then comes Mortimer's dole, which I take to be the site of Scroope Terrace and Scroope House. Then comes Coe Fen Lane. South of this our terrier requires about 25 'acres.' I believe that the grounds of the Leys School and of Belvoir Terrace will supply nearly the requisite quantity[2].

§ 26. But more: Peterhouse itself stands on land that once lay in selions and was arable[3]. Thus we are brought within a few yards of the town ditch. If the reader who is accustomed to field maps will now look at the space that is bounded by Mill Lane, Coe Fen and the Trumpington Road, he will see a very good specimen of a *cultura*[4], and, if I mistake not, that lane still represents the sinuous plough-line: 'the aratral twist' we might call it[5]; but it is also the line of beauty, for our winding English lanes would not have wound so pleasantly if men could have ploughed straight[6].

§ 27. How long this area remained arable I do not know. It, or a great part of it, became known as Coe Fen Leys and men spoke of a grass strip in it as 'a ley in Coe Fen Leys.' The mere fact that it was accounted to be composed of 'selions' (that is of ridges, beds, 'lands[7]') would I believe be proof that it was once ploughed. The ridge that was a selion or 'land' when arable, became a 'ley' when it was laid down as grass.

[1] Willis and Clark, i. 1.

[2] See on Ordnance Map the parcels numbered 28, 34, 35, 38, 39. It will be remembered that the old 'acres' are not measured.

[3] Willis and Clark, vol. i. pp. 1—8, and vol. iv. plate 2.

[4] I use the word *cultura* because the English *furlong*, having become the name for a measure of length, might import a false suggestion.

[5] Domesday and Beyond, 379.

[6] See Dr Isaac Taylor's paper in Domesday Studies, i. 61: 'I have examined thousands of these S shaped rigs, and I find that they invariably swerve to the left or near side, which seems to be explained by the fact that the driver, who walked backwards, would most conveniently have directed the oxen by pulling them round by their head-gear with his right hand instead of with his left.' Meitzen, Siedelung, i. 88, uses a preferable phrase: 'die Figur eines *umgekehrten* S.'

[7] Domesday and Beyond, 383.

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§ 28. We have now to consider another set of leys, namely, the area known as Pembroke Leys or St Thomas's Leys, or, at an earlier time, Swinecroft. When Downing College was in the making, this area was subjected to special treatment; the lammas right of pasturage was to be extinguished. The terrier which we have been using describes Swinecroft as a sort of appendage to Ford Field. From this terrier and the Award with an accompanying map which was made in 1808[1] we can venture a fair guess about the original constitution of Swinecroft.

§ 29. Take the space bounded on the north by Pembroke Street and Downing Street[2], on the east by the line of the Hills Road (Regent Street[3]), on the south by Lensfield (formerly Conduit) Road and on the west by the Trumpington Road. Abolish Tennis Court Road as a novelty. Then bisect this parallelogram by a line running from north to south. Then lay out each half of the parallelogram as a *cultura* whose furlongs run from east to west.

At an early time, however, building began at the north-eastern and north-western corners of this space. At the north-western Pembroke Hall arose[4]. Then there was more building along the Trumpington Road, while on the eastern side a strip of roadside waste has in recent times afforded room for the houses of Regent Street.

The line which divided the two *culturae* lay to the west of the Downing avenue. I believe that it is pretty well represented by the eastern face of the new buildings of Pembroke, the western range of Downing College and the house of the Professor of the Laws of England[5].

§ 30. We will now take the old terrier and compare it with the Award. We will look first at the eastern *cultura*, that nearest Regent Street, and proceed southwards from Landgrithes-lane or Downing Street.

[1] Among the muniments of Downing College, dated 8 Jan. 1808.

[2] Formerly Landgrithes Lane, Hoghill Lane, Bird Bolt Lane etc. See Willis and Clark, i. 123.

[3] But perhaps from the first the eastern boundary of the arable was the line now marked by Downing Place.

[4] Willis and Clark, vol. i. p. 121 and vol. iv. plate 6.

[5] The two *culturae* seem to have come near to their ideal. The distance from my house to the Trumpington Road and to Regent Street is a short furlong.

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Terrier					*In* 1808			
Sel.	Owner	Acreage A.	R.	P.	Owner	Acreage A.	R.	P.
4	J. Payne, now a garden	1	2	0	Benet College	1	1	12
3	Nuns, garden-ground	1	0	0	Purchased[1] of Jesus		3	39
	Way-balk[2]				Common balk			16
1	J. Gibbon		2	0	Purchased of Hobson's Charity	2	3	23
6	J. Barrington	2	0	0	Purchased of Jesus	2	2	23
4	Nuns	2	0	0				
	Way-balk[3]							
2	Nuns		3	0				
6	J. Preston	3	0	0	Purchased of Peterhouse	2	1	11
					Road			24
1	Cutlers half-acre		2	0	Purchased of Mr Towneley	2	0	17
8	Alb. Can.	4	0	0	Purchased of University	3	0	25
1	University		2	0				
2	Alb. Can.	1	0	0	Purchased of Mr Towneley			
	Mortimer's dole	8	2	0[4]	Purchased of Caius College	7	2	36

All goes pretty smoothly in this *cultura*. The strips of the Nuns pass to Jesus College, those of the Mortimers to Caius. The University, to all appearance, had a half-acre in the fourteenth century and in the nineteenth. The lands of the White Canons were purchased by the municipal corporation, and must, I suppose, have passed from it to Mr Towneley.

We turn to the other, the western, *cultura* and will begin on this occasion at the south in the Lensfield Road. The terrier gives

	A.	R.	P.
2 selions. Nuns with a gore	1	0	0.

The Award ascribes a little more than an acre to Jesus College. Next the terrier gives

	A.	R.	P.
4 selions. J. de Camb.'	1	2	0.

[1] 'Purchased' means purchased by Downing.

[2] See Loggan's plan, Willis and Clark, ii. 754. The course of this way is still marked by old thorn-trees, soon to be destroyed in the interests of geology.

[3] Visible on Loggan's plan, Willis and Clark, ii. 754.

[4] Well marked on Loggan's plan, and apparently garden ground.

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Land that belonged to John of Cambridge in the fourteenth century we expect to find in the hands of Corpus in the nineteenth, and the Award tallies with our expectation. Then the terrier gives

		A.	R.	P.
16 selions.	J. Carbonell	4	2	0.

and this land has passed to Mr Russel. Then comes a way-balk in the terrier, and a road on the map of 1808. From this point onwards there would be more trouble about the identification of the strips, owing to the erection along the Trumpington Road of houses whose gardens ran far back. The terrier proceeds thus:—Alb. Can. 1 A. 2 R.; Alb. Can. 2 R.; R. Arden, 1 A. 2 R.; Bar. Peryn, 1 R. 20 P.; Chantry of St Peter, 2 R.; Bar. Peryn, 2 R.; Tho. Jacob, 2 A.; way-balk; John Smith, next Pembroke garden, 1 P. Going along this line the owners from whom Downing College purchased what lies within its wall were Mr Towneley (who here and elsewhere seems to represent the White Canons), Peterhouse, Little St Mary's parish (the chantry of St Peter), Mr Thackeray, and the Master of Peterhouse.

The following description of a piece of the Downing land is taken from a deed of 1737, and shows us that St Thomas's Leys were still traditionally accounted a part of Ford Field: 'All those twelve sellions of pasture or ley ground containing by estimation 10 acres (be the same more or less) lying and being in a certain Field in Cambridge aforesaid called Ford Field or St Thomas's Leys in a certain Furlong called Swine's Croft on the south side of the said town of Cambridge[1].'

The following is a description written in 1667 of the Mortimer's Dole in Swinecroft (the south-eastern corner of the Downing estate, nearest to the Roman Catholic chapel): 'Seventeen Sellions pasture or leys lying upon the Highway called Deepway [Lensfield Road] leading from the Stone Bridge by the Spital [close to the Conduit Head] towards the south: and Mr Palmer's land jure uxoris in the occupation of James Haddowe towards the north: abutting upon the way called Preachers Streetway [Regent Street] alias Hadstock Way leading towards Hogmagogge Hill towards the east: and upon two sellions of Jesus College Land and four sellions of Corpus

[1] Archives of Downing College.

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Xti College Land both inclosed and in the occupation of W^m^ Saunders in part, and upon sixteen sellions of Mr Nicholson in part, towards the west: containing by estimation nine acres.' A note over against this description states that 'there were 18 [not 17] layes or sellions but when the town was fortified [in the Cromwellian days] one of these was cut into a great ditch and the bank was thrown upon it[1].'

§ 31. Now a great part of this land had long been under grass, and the name of St Thomas's Leys, which seems to have spread gradually over it[2], can not have been acquired while it was arable. But it was once ploughed in selions, and they may be seen to this day[3].

I take it that when the arable was turned to meadow, the lammas right took the place of the right to depasture the idle field. When Downing College had acquired the strips, an Act of Parliament was passed for the extinction of the lammas right. Claims were allowed in respect of about 280 houses in the parishes of SS. Benet, Botolph, Mary the Less and Andrew the Great, and a money compensation for each 'right' was paid. The representative of the Prior of Barnwell (Mr Panton) was compensated for a sheep-walk, 'the going of 18 score sheep from Lammas to Lady Day every year[4].' Claims were made in respect of houses in the parishes of SS. Mary the Great, Michael, Trinity, Edward, Sepulchre, Giles and Peter, and of All Saints, but were disallowed. The principle enforced seems to have been that no one could have common unless he had a house in one of the four parishes in which the land lay. How old that rule was I can not say, but it does not look medieval. It lays too much stress on parochial arrangements.

§ 32. Before leaving these leys, we may observe that their distribution for the purpose of paying tithe among the churches

[1] Archives of Downing College. Punctuation by editor.

[2] Willis and Clark, ii. 753.

[3] East of the Downing avenue the undulations are plainly visible, though the ridges are low.

[4] Downing College also claimed and was compensated for a similar right: from which of its predecessors this right was derived I have not inquired. More than half of the commoning houses were owned by colleges. Corpus had 78 'rights.' The municipal corporation unsuccessfully claimed 'the soil of the lands and grounds called St Thomas's Leys also (*sic*) the waste lands and soil thereof.'

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of the town was exceedingly intricate. If I construe the terrier aright, the eastern *cultura* gives us the following series:—4 selions to Botolph; 3 to Michael; 1 to Andrew; 6 partibly, two-thirds to Andrew, one-third to Benet; 4 to Radegund; 2 partibly, half to Peter, half to Botolph; 6 partibly, half to Peter, half to Andrew; 1 to Mary; 2 to Peter; 4 to Mary; 2 partibly, half to Mary, half to Peter; 1 to Peter; 1 to Barnwell; an unspecified number to Radegund. Eight churches take tithe from this one *cultura*.

§ 33. This provokes a remark about the parochial system. Is not its application to these town-fields gradual and fairly modern? When in the middle ages a piece of land is said to be in the parish of St A., thereby is generally meant that between it and St A.'s church there are two bonds: (1) the parson of that church has the care of the souls of those who inhabit that land and they should go to that church: (2) he is entitled to the tithe of that land. But now suppose the plot to be an acre-strip in the middle of an open field. Suppose also that it tithes to St B. and lies between strips which tithe to SS. C. and D. In what possible sense can it be in the parish of St A.? Perhaps we answer that if a house were built on it, then the care of the householder's soul would rest with the parson of that parish, who also might be entitled to mortuaries and similar dues. But, until men think of breaking up their common field, these duties and rights are of too hypothetical an order to be conceived. The only practical bond between the strip and the church is the tithe. In researches in the outskirts of towns we may make too much of parish boundaries. Often they will represent fairly modern arrangements. It seems to me that a man of the thirteenth century would have said either that these acre-strips were in no parish, or more probably that each strip was in the parish to whose church it tithed. In the latter case if you walked across the field you would change your parish every few seconds.

§ 34. But, to return, both west and east of the Trumpington Road we have brought the arable near to the town ditch. Let us go further east. In 1811 Middle Field still invaded for some forty yards the south-east side of what now is known as

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Parker's Piece. The residue, the great bulk, of that Piece was conveyed to the municipal corporation by Trinity College in 1613. Until then it had been arable; it was to be turned 'from tillage unto sward[1].' The beginning of a terrier of Middle Field is preserved in one of Baker's MSS. and is to the point[2].

> Middlefeild begyns by the south wall of the Fryers Preachers [Emmanuel College] and at St Andrewes Barne. The Furlong est and west betwene Hynton way [the Mill Road line] and Hadstock way [the Hills' Road line]: Moniales dim. acr. North:—2 acr. 3 rode more south—3 rod. south:—Dola Michaelis xiiii. acr. Dola S^te^ Marie et Gleba Ecclesie x acr. Albi Canonici dim. acr. Universitatis more south i. acr. Roberti Barbor olim Chaddehall i. acr. et jacet ab Linton [*corr.* Hinton] way usque Hadstock way.

The description is not so clear as might be wished; but apparently we have a *cultura* lying immediately outside the south (*i.e.* south-east) wall of Emmanuel. First comes a half-acre of the Nuns. Then a wider strip of the Nuns. Then Michael Dole of 14 acres. Then glebe of St Mary's Church 10 acres; and so forth. In 1613 the grant from Trinity contained 15 acres parcel of and belonging to Michael House Grange, and 10 acres parcel of the glebe land of Great St Mary's. Trinity was fortunate in being able to dispose of 25 acres lying together at the town end of a common field.

The account given of Middle Field in the terrier written by Dr Caryl is in the main much older than the conversion of Parker's Piece 'from tillage unto sward,' but just at this point it seems to have been adapted to suit modern times. The first *cultura* of this field is said to lie east and west, beginning by Emmanuel College. A note adds: 'The first two selions abut on the College's new building eastward. The seven next extend from Hadstock way to Hinton way under the College wall. The three next are that part of the garden which juts out by Dr Barnes' brewhouse.' Then the composition of the *cultura* is described as follows:

[1] Willis and Clark, ii. 409; Cooper, Annals, iii. 58.
[2] Baker MSS. xxxvi. p. 130 (Camb. Univ. Libr. Mm. i. 47.)

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Selions	A.	R.	P.		
2		2	0	Nuns, a garden	A.
7	2	3	0	Nuns, a garden	El.
				A way-balk	
3		3	0	Nuns, a garden	El.
				Parker's Piece	
1		1	0	Nuns, short	M.
1		2	0	Alb. Can.	M.
2	1	0	0	University	El.
1	1	0	0	Rob. Barber[1]. Goward	El.
1		2	0	Nuns[2]	M.
1	1	0	0	Alb. Can. next the lane	El.
				King's Lane.	

§ 35. From all this it seems plain that at one time Middle Field included all that we know as Parker's Piece and came up to the very wall of Emmanuel College or its predecessor, the Dominican Friary. To this we must add that the terrier at Jesus College shows us Christ's Piece as part of Clayangles; and it is laid out in selions. Thus:—

Barton croft[3].

Begin to reckon next the lane leading from Green's brewhouse to Maid's Causeway.

Selions	A.	R.	P.		
2	1	1	0	Nuns with a gore next the lane	E
2	1	2	0	Nuns	M. A.
2	1	0	0	Nuns[4]	E.
4	1	2	0	Nuns	R.
				A way-balk from Emman. lane to Walls lane.	
	6	0	0	All the residue of the croft to Christ's College wall, viz.	A.
				3 2 0 Ja. Hadley	
				2 2 0 the rest Christ's Coll.	

§ 36. Once more therefore we have brought the arable near to the town ditch. I fancy that at one time, if the burgess of

[1] 'Extends from Hinton way to Hadstock way.' Note in MS.

[2] 'Abut east on Hinton way, west on University, on the south of Parker's piece and the north side of Goward's acre here call'd Rob. Barber.' Note in MS.

[3] Gerton Crofte in Willis and Clark, ii. 189. The terrier here has a note: 'Christ's College pieces.'

[4] 'Call'd Rodolph's acre.' Note in MS.

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Cambridge crossed the ditch, he came out at once, or almost at once, upon the great sheet of ploughed land, and that the erection of houses in this quarter implied no curtailment of the green. The man who was lucky enough to have a strip that was bounded by a road could build upon it. This must have slightly interfered with the common use of the idle field, but only slightly, and I do not think that in 1279 there were many houses outside the ditch, except the Barnwell suburb, of which hereafter.

§ 37. We are now to visit the Western Fields. If we cross the river at the Great Bridge and walk up Magdalene Street and Castle Street, an extremely small part of Cambridge, sometimes none at all, is on our right hand. The borough[1] just includes Magdalene and its grounds and a small patch of land between Chesterton Lane and the castle mound. Then the boundary comes into the street in which we walk. The Shire Hall and the County Police Station are in Chesterton. When these are past, the boundary swerves away to our right and includes a small square of land which in 1805 was for the more part open land, known as Sail Piece, but is now densely peopled. Then the boundary comes back into and pursues the street that is now becoming the Huntingdon Road. In the castle's exclusion from the borough there may be something of legal fiction; but still the fact remains that in this quarter the open fields of another vill, namely Chesterton, came to the very verge of the fortified nucleus of Cambridge. The selions of the Chesterton fields are well marked on Loggan's plan.

§ 38. Now in 1802 an Act was passed for inclosing and laying in severalty the open and commonable lands in St Giles's parish. That parish included almost the whole of transpontine Cambridge[2]. The area that required inclosure may be circumscribed thus:—Start in the Huntingdon Road at the top of Pleasant Row: follow the borough boundary, which is the Huntingdon Road, for about a mile until, when opposite Howe House, the boundary turns to the left. Follow it over the

[1] The 'parliamentary' borough is more extensive; but this is a novelty.

[2] Award dated 14 May, 1805. Having swallowed up All Saints by the Castle, St Giles included everything but the small parish of St Peter and a piece of St Mary the Less in the Newnham quarter. See p. 122, note 4.

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fields until it strikes the St Neots or Madingley road: Moor Barns Farm is a little to your right. The borough boundary then goes, and you must go, some few yards along that road towards Cambridge; then it turns to the right over the fields, zigzags a good deal, but at last strikes the Barton Road at the bridge over the Bin Brook. Follow it homewards along the Barton Road. You have been perambulating the line which divides Cambridge from Chesterton, Girton, Madingley, Coton and Grantchester. When the Barton Road takes a sharp turn to the left at the corner of the Caius Cricket Ground, you turn and pursue it. Here for the first time you quit the borough boundary, which makes straight for the mill stream. You must now go along the road at the backs of the colleges (Queen's Road) to its junction with the St Neots Road. You pursue the St Neots Road for a few yards: then up Bandyleg Walk (Lady Margaret's Road) and by Mount Pleasant to your starting place.

§ 39. By far the greater part of this area was uninclosed. The commissioners found that the tract with which they were instructed to deal contained 1361 A. 0 R. 39 P. in all. Of open and commonable fields, common meadows and other open and commonable lands and waste grounds there were 1238 A. 1 R. 22 P.; of homesteads, gardens, orchards and ancient inclosures 89 A. 1 R. 7 P.; of public and private roads (including the town streets and lanes) and public drains there were 33 A. 2 R. 10 P. The tract thus measured was not quite the same as the area that we have perambulated, for it included the urban part of the parish. Within the circuit that we have drawn there lay little but uninclosed land. There were a few closes, but they seem to have contained less than 60 acres. There were three houses; I read of no more[1].

§ 40. The municipal corporation received two pieces, (4 A. 1 R. 2 P.) for its 'manorial rights.' There were six tithe-

[1] The area that we have circumscribed seems to have contained about 1284 acres roads neglected), of which 57 were inclosed. There were (i) a small patch of closes at the Howe corner of the area, (ii) another patch at the Newnham corner, and (iii) some closes near Moor Barns. There were also two closes belonging to St John's College. Outside our area the Commissioners inclosed Sail Piece and a little land by the pound on Pound Hill. Also they allotted some small pieces of green to the Johnians to rectify their frontier; but in other respects the green between the college boundaries and the Queen's Road was not within the scope of their powers.

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owners. About 18 freeholders were to be compensated for land, besides a few copyholders of Merton College. One small piece seems to have been deemed copyhold of Madingley, and another copyhold of one of the Grantchester manors[1]. Then about 30 other persons received small plots in exchange for rights of common connected with tenements in St Giles's parish. We hear nothing on this occasion of commoners from other parishes.

§ 41. From the Award we can discover that there were four great fields. The whereabouts of one of these can be easily assigned. It was the segment whose radii are the Huntingdon and St Neots Roads. It was called Grithow (*i.e.* Gravel Hill) Field, or corruptly Great Howe Field[2]. The other three fields were Middle Field, Carme Field and College Field. Their boundaries, which the commissioners were effacing, I can not clearly discern. Apparently, however, College Field was the name given by them to the tract that is bounded by the Bin Brook and the road by which you would drive from 'the Backs' to Barton[3].

§ 42. If this really was the nomenclature of 1800, then I think that names had been oddly shifted. In the ancient terriers the four fields are Grithow, Middle, Little and Carme; and though, owing to the disappearance of the old paths and ditches, it is difficult to make a map from these terriers, still it seems to me plain that the tract that I have described as College Field (Ridley Hall, Newnham College and Selwyn College now stand upon it) is their Carme Field. Next beyond the Bin Brook is their Little Field, and beyond that is Middle Field. Both come

[1] Jacob Smith ('Copy of Merton Hall') receives 2 R. 26 P.; Story's Charity ('Copy Merton') 3 R.; William Stanley ('Copy Merton Hall') 3 R. 36 P.; William Short ('Copy Merton') 38 P.; Harman Jones ('Copy Merton Hall') 22 P.; William Bostock ('Copy Merton') 22 P.; Richard Comings ('Copy Grantchester') 1 A. 3 R. 11 P.; Elias Carter ('Copy Madingley') 4 A. 3 R. 29 P. There is nothing to surprise us if a few strips have been absorbed into manors lying in neighbouring villages.

[2] Girton's old name is Gretton or Gritton. In old times the boundary between the fields was not at all points the St Neots Road. Near the town a little of Middlefield came over onto the north side of the road. We have to remember that fields are often older than roads. Also the new-fangled practice of 'making' roads with stone has given to our roads a prominence which the medieval way had not.

[3] For very rough purposes we may picture it as a right-angled triangle; the Caius Cricket Ground lies at the right angle; the Trinity Garden or 'Roundabout' lies near one of the other angles; the third angle is where the Bin Brook is crossed by the Barton Road.

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to the St Neots Road, and the division between them seems to be a track known as the Bartonway, which, starting somewhere near the foot of Lady Margaret's Road made across the fields for Barton[1]. The Carme Field seems to have taken its name from a block of twenty selions in the Newnham quarter, which in the fourteenth century was held by the Hospital but was known as the Carmedole. Perhaps it had once been held by or for the Carmelites (Fr. *les Carmes*), who had their first house at Newnham. At an earlier time this field may have been the Portfield of which we hear in the thirteenth century; I am not sure, however, that the whole of the Western Fields were not known as the Portfield[2]. To find a Portfield or Portmeadow outside a borough is not uncommon. The little bridge where the Bin Brook enters the Cambridge Fields was apparently known as Portbridge.

§ 43. Between these fields and the river there lay the green pasture called Long Green. The remains of it are still open; but much of it has been acquired at one time and another by the colleges[3]. It was once of considerable size; still, taken at its largest, it would seem but a small pasture to set beside the huge mass of arable that lay to its west. Part even of the Johnian 'wilderness' has been ploughed and lay in Carme Field[4].

§ 44. There was little meadow in medieval Cambridge. William Harrison (1577) has noted this defect. Cambridge, he says, has to import wood and coal. 'Moreover it hath no such store of medowe grounde as may suffice for the ordinarie expences of the towne and Universitie, wherefore they are inforced in lyke sort to provide their haye from other villages

[1] As to this way, see Babington, Ancient Cambridgeshire, p. 20.

[2] I have seen a charter in the Archives of Merton College which seemed to point in this direction.

[3] For the various transactions between the Colleges and the Town, see Willis and Clark, *passim*.

[4] Willis and Clark, vol. ii. p. 238; vol. iv. plate 20. The important lease there quoted shows Carmefield crossing the line of the Queen's Road; the west head of some strips belonging to Corpus extend 'over the common waie.' Often the ways are superimposed upon the fields. There is a tract that I have not mentioned, namely, a triangular piece which lies in the parish of St Mary the Less, with the Mill Pool for its apex and the Mill Stream, the road to Barton and the borough boundary as its sides. I am not certain that Carmefield did not extend into this tract; but, not being in St Giles's parish, it was outside the Inclosure Act.

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about, which minister the same unto them in verye great abundance[1].'

§ 45. The terriers that I am about to mention are full of interesting names. In the Western Fields we may find Erles dole, Tunmannis aker, Shermannis rod, Goidzmedole, Gordeaker, Blakaker, Barkeresaker, Gaggesaker, Sponyaker, Karlokaker, Lampeaker, Prioures dole, Brunneforth dole, Porthors dole, Mordole, Chalkwell dole, Aldermanis hyl. In the Eastern Fields are Bad husband's headland, Walnut dole, Timber dole, Hawke dole, Cherry dole, Overthwart dole, Hogmoor, Smock alley way, Hop acre, Stake acre, Hore acre, Nocket acre, Frog acre, Crouch acre, and Pest-house Furlong, while the site of the famous Sturbridge Fair is marked by Garlick Row, Cheese Row and Duddery Leys. There is also extant an attempt to explain the whereabouts of the various land-marks in the Western Fields: for instance, Wlwyes[2] dich, Edwynedich, and Endlesse Waye, so called 'because yt nether haeth beginnyng nor endynge.' It may be hoped that at some time or another these documents will be edited by one whose patience and ingenuity will restore the defaced pattern of the fields[3].

§ 46. A few words in the description of Endlesse Waye deserve attention. 'Endlesse way beginnethe two furlonge above St Needes his waye towarde Coton feeldes and beginnethe at the xith sellion of Bennet Colledge which now be lees and is called ducke pytt because yt standeth in winter full of water.' This vividly illustrates the reason why in the old days of allotment a man was given some strips in all parts of the field. If the year was wet, he would not wish to have much of his arable in 'ducke pytt.'

§ 47. The state of the Western Fields in the fourteenth century is minutely described in a terrier purchased by Mr Bradshaw and given by him to the University Library[4]. Apparently this book belonged at one time to Corpus, or was annotated by someone who was especially interested in that college's

[1] Cooper, Annals, ii. 350; Harrison's England, Bk. ii. ch. iii.

[2] Mr Stevenson tells me that this points to a Wulfwig.

[3] He will not neglect the important paper by Prof. Hughes on the Castle, Camb. Antiq. Soc. Proc. viii. 173; nor that by Mr A. Gray on the Watercourses, Ibid. ix. 61. Mr Gray's remarks touching the ancient course of the river are of great value.

[4] MS. Add. 2601.

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estates. It well deserves to be carefully edited. Meanwhile I can only state roughly and, it is to be feared, inaccurately, some of the main results that can be won from it.

§ 48. Its date I have not precisely fixed; but we shall not go far wrong if we assign it, or the original whence it flows, to the years round 1360. This is shown by a comparison of the names of the persons mentioned in it with the names of the mayors, bailiffs and parliamentary representatives of the borough. In the following table I have marked a mayor with *M*, a bailiff with *B*, and a parliamentary representative with *R*.

The form of the entries, when Englished, is the following:—

> 1 selion of Thomas Bolle late of John of Toft about [1 rood]—Radegund.
>
> 1 selion of the College of Corpus Christi late of T. of Cambridge about [half an acre]—Radegund.
>
> 5 selions of the aforesaid Hospital about [1 acre 1 rood]—Giles.

The acreage is supplied by a second hand. The name of the church to which tithe is paid stands in the margin, e.g. *Rad.*, *Eg.*, *Rotund.* The size of the selions (ridges, 'lands') varied a good deal. It is common to find that the selion is a half-acre; but sometimes it is an acre, sometimes only a rood or a half-rood. The terrier often notes that the number of selions in a given parcel of land has been changed. The current of change seems to have set towards wide beds. It will be remembered that the selion is the visible fact, stamped on the surface of the earth. The acreage on the other hand is a matter of traditional reputation.

§ 49. The *culturae* were of all sizes. I make 30 'furlongs' in Grit How Field, 24 in Middle, 11 in Little and 14 in Carme. So doing, I count some very small pieces (as little as two acres) which, however, were *quarentinae per se.* I believe that as time went on some of the land was converted 'from tillage unto sward.' An instance of such conversion we have lately seen in Duck Pit.

§ 50. The following table gives the outcome of such rude calculations as I have been able to make.

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Present Holders	Late Holders	Roods in Grithow Field	Roods in Middle Field	Roods in Little Field	Roods in Carme Field	Total Roods	No. of Parcels
Hospital of St John		239	423	140	139	941	139
Prior of Barnwell		299	275	78		652	83
St Radegund		24	65			89	14
White Canons		8		6		14	3
Prior of Huntingdon		62	58	5	37	162	31
Nuns of Beach		23	94		31	148	39
Sturbridge Hospital		12				12	5
Church of St Giles		4	4			8	2
Chantry at St Clements		12	11			23	7
Chantry at St Peter's (without)					13	13	3
Chantry at St Sepulchre's		71	41	11	3	126	30
Chantry at Coton			1			1	1
Parishioners of St John				8		8	1
Parishioners of St Sepulchre			12			12	1
Merton College		94	127		28	249	18
Cambridge University			11	8	37	56	9
Corpus College		2				2	1
	R. Barbour				12	12	2
	T. Cambridge	94	117	13	60	284	68
	J. Gedyn				6	6	1
	J. Poplington			6	17	23	6
	J. Redhead		13			13	4
	G. Seman	72	194	4	79	349	59
	W. Snorying			2	2	4	2
	H. Tanglemere				14	14	4
Sir B. Burghersh			28			28	1
Mortimer's land		40	96	24		160	8
W. Aleyn			2		6	8	4
R. Arderne (*B*)					18	18	5
T. Attechurch	J. Blankpain (*M.R.*)		2			2	1
	S. Houdlo	3				3	1
	W. Lavenham	40	16			56	12
T. Audele		27	17		2	46	7
R. Baldeston	J. Comberton (*B*)	4	6			10	2
J. Baldewyn (*B*)	A. Stowe				2	2	2
J. Barker (*B*)	N. Bradenash			15	18	33	6
H. Beech (*B*)					9	9	4

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Present Holders	Late Holders	Roods in Grithow Field	Roods in Middle Field	Roods in Little Field	Roods in Carme Field	Total Roods	No. of Parcels
H. Blankpain		12				12	2
R. Bluntesham	H. Toft (*B*)		12			12	1
T. Bolle		18	8			26	7
R. Brigham (*M.R.*)		11	17		4	32	5
W. Burton (*R*)	W. Dene		1			1	1
G. Bushell	S. Refham (*M.R.*)		3			3	1
A. Cottenham					12	12	3
J. Cotton (*M.R.*)	T. Comberton	20	22		6	48	11
N. Crocheman			17	6	12	35	8
R. Fowkes (*M*)	his father				2	2	1
W. Goldsmith	W. atte Cundut		8			8	1
T. Jekke	his father	19				19	6
R. Harleston (*M*)		2	2			4	2
	J. Berton		34			34	3
	R. Goldsmith	9	50			59	9
	W. Lolworth (*R*)	24	27			51	15
	R. Longe		2			2	1
	G. Seman	12	18			30	5
	R. Tablet	40	53	10	26	129	30
	W. Ward	25	38	8	24	95	18
A. Kynyton	his father				8	8	1
W. Lolworth (*B*)	J. Laton		4			4	1
R. London		4				4	1
R. Longe		27	34			61	15
T. Marblethorpe (*B*)		8	8			16	6
R. Martin	Various		4		35	39	13
R. Morris (*B*)		30			20	50	5
Ste. Morris, sen. (*M*)		10	14		4	28	4
	his father	61	71	22	70	224	46
	W. Bekeswell (*B*)	12	22	6		40	9
	J. Berton	99	26		2	127	9
	J. Blangroun		4			4	1
	R. Brandon				10	10	1
	R. Brigham (*M.R.*)				2	2	1
	Vic. St Clement's		4			4	1
	J. Comberton (*B*)	4	4			8	4
	R. Houdlo	8				8	2
	S. Houdlo		6			6	2
	W. Lolworth (*B*)		4			4	1
	J. Marshall		4			4	1
	J. Redhead (*B*)	11	25			36	12
	R. Yslep	2				2	1

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Present Holders	Late Holders	Roods in Grithow Field	Roods in Middle Field	Roods in Little Field	Roods in Carme Field	Total Roods	No. of Parcels
Ste. Morris, jun. (*M*)			8			8	1
	J. Comberton (*B*)	2				2	1
	J. Pittock (*M.R.*)	12	37			49	14
	G. Seman	24				24	3
T. Morris (*B*)		130	142	17	55	344	61
R. Niket	J. Refham	4				4	1
J. Norton		5				5	3
J. Pilet (*M. R.*)	his father		11	16	29	56	13
J. Sharp	T. Wintringham (*B*)				2	2	1
W. Sherwynd			20			20	4
J. Templeman			6			6	2
W. Thaxted			1	12		13	2
J. Touche	J. Martyn				2	2	1
Ri. Tuliet (*M*)		15	17			32	8
Ro. Tuliet (*R*)		10	28	12		50	6
G. Wardeboys (*B*)					11	11	1
J. Weston	Various	18	5	2	82	107	28
J. Wymark	R. Longe		6			6	2
N. Wymark	W. Bekeswell (*B*)		6			6	1
Unspecified	Sturbridge Chapel	4				4	1
	Merton Coll.	16				16	1
	R. Dunning (*M*)	12	44			56	2
	W. Lavenham	10				10	1
	T. Morris (*B*)	8				8	1
	G. Seman	2				2	1
	R. Seman	4				4	1
	In dispute	4				4	1
	St Giles		4			4	1
	University		3			3	1
	N. Morris		2			2	1
	T. Blangroun		4			4	1
	Totals	1878	2503	431	951	5763	1019

§ 51. In some cases the acreage of a strip is not stated; perhaps some 70 acres may be thus accounted for[1]; also I have reason to fear that I have made some mistakes on the side of

[1] Add in Grithow Field the following selions of which acreage is not given: St Radegund 4, Corpus 2, S. Morris sen. 4, R. Longe 1 and a gore, Merton College, 5 gores, a selion and a butt. In Middle Field: Hospital 2, Barnwell 1, St Radegund 3, Nuns of Beach 2, Merton 8, Corpus 20, Mortimer 8, T. Bolle 4, R. Harleston 2, S. Morris sen. 9, G. Bushell 10 and a gore. In Little Field: Hospital 16, T. Audele 10, R. Harleston 8. In Carme Field: Hospital 7, Corpus 6, J. Barker 2, N. Crocheman 1, R. Martyn 1, J. Weston 4, T. Sturmyn 1, J. Pilet 3 butts.

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omission. I suspect the terrier of describing full 1520 'acres.' This is much more than would be wanted were 'acres' invariable. In 1805 nearly the whole of St Giles's parish was set down at 1361. The Ordnance Survey sets it at 1393, but this includes what was St Peter's. According to the award of 1805, if I have rightly followed its figures, the segment between the Huntingdon and St Neots Roads, if we take Pleasant Row and Lady Margaret's Road as its townward limit, contained 431 acres; and the segment between the St Neots Road and the Barton Road, if we take the Queen's Road as its townward limit, contained 853. This would give us but 1284 acres for our fields. We may infer that the old estimated acres were small; but also I fancy that the Carme Field of the terrier crossed the Barton Road and came close to the present course of the mill stream[1]. While most of the strips in the Western Fields tithe to Giles or Radegund, there are two or three *culturae* in Carme Field whose strips are tithing for the more part *domui S. Petri*, and we should expect that now-a-days these *culturae* would be included in the parish of St Mary the Less.

§ 52. But, to pass from geography, we see that the larger half of the land is already in the dead hand: according to my figures 3221 out of 5763 roods. However we also see that a good many strips have but newly fallen into mortmain. The 700 roods belonging to the college of Corpus Christi were lately owned by Cambridge burgesses. Then, among the laity the movement seems to be towards concentration. Roger Harleston has acquired strips from at least seven different quarters. Stephen Morris the elder has thirteen predecessors in title besides his father. The Black Death may have brought land into the market.

§ 53. Roger of Harleston (that is, of Harston) is an interesting person. I think that he was a new-comer in Cambridge. He was mayor in or about 1357, and in 1376, 1377, 1378, 1380 and 1383 he represented the shire in Parliament. During the rebellion of 1381 his house at Cottenham and his house in Cambridge were pillaged[2]: he seems to have made himself

[1] See the parcels numbered 17, 16, 30 on the Ordnance Map.

[2] Rec. Off. Assize Rolls, No. 103; Powell, Rising in East Anglia, pp. 43, 52; Return of Members of Parliament, i. 193, 197, 199, 203, 217. It is possible that the mayor was the father of the knight of the shire.

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hated. His house in Cambridge stood in Harleston's Lane, now Thompson's Lane. The lands that he had acquired in the fields of Cambridge and Coton were known as 'Harleston lands', and in Henry VIII.'s reign had fallen to St John's College. The same college had also by that time acquired from Dr Thompson the 'Mores (dissyllable) lands' consisting of 217 acres in the fields of Cambridge, Newnham and Coton; and these seem to be the estate of the Morris family[1]. Thus this college became the successor, not only of the ancient Hospital, but of two other prominent landowners of the fourteenth century. 'St John's Barns,' the barns of the Hospital, seem to have been situated on the spot where the Westminster College is now being built.

§ 54. A valuable piece of evidence may be adduced at this point[2]. In 1325 the guardian of the Friars Minor purchased a long and narrow strip of land running through the fields. It was to be the course of a conduit, and is to this day the course of the conduit which supplies the fountain in the great court of Trinity. The strip was two feet wide and 1467 ells (*virgae cissoris*) in length. The following are the names of the vendors of the strip and the number of ells purchased from them:— Hospital 100, Barnwell Priory 12, Th. Morys 250, Wil. Lavenham 300, Geof. Seman 500, Hugh Pyttok 8, Nuns of Waterbeach 20, Prior of Huntingdon 8, Rob. Brigham 12, Th. Balls 8, Ste. Morys 8, Joh. Pyttok 8, Wil. Lolworth 6, Wil. Bekeswell 8, Wil. Marbilthorp[3] 10, Wil. Redwood 9, R. Tableter 200. In our terrier Roger Harleston, Stephen Morris and Corpus College have already absorbed the land of a good many of the owners who are here mentioned.

§ 55. Turning to the Eastern Fields, we shall find that the ecclesiastical element is yet stronger. These fields seem to have comprised 75 furlongs (*culturae*) which were distributed thus:— Sturbridge Field Nos. 1–6; Clayangles or Croft Land Nos. 7–13; Bradmore Field Nos. 14–34; Middle Field Nos. 35–58; Ford Field Nos. 59–73; Swinecroft Nos. 74, 75. The terrier at Jesus College, which I have been permitted to use, was, as

[1] Baker, Hist. St John's, ed. Mayor, i. 344, 354, 381.

[2] Willis and Clark, ii. 427, 678.

[3] Marblethorpe's lands or some of them seem to have passed to Clare College: Baker, Hist. St John's, ed. Mayor, i. 357.

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already said, written by a modern hand: hence the appearance of Christ's College; but apparently it is descended from a book of even date with that which describes the Western Fields, and I have no reason to think that any considerable number of changes were made in the list of landholders. The following is a rough summary of its contents[1].

	Sturbridge F. Roods	Ford F. Roods	Swinecroft. Roods	Bradmore F. Roods	Clayangles. Roods	Middle F. Roods	Total Roods	Total Parcels
Barnwell, Prior	205	292		501	109	637	1744	305
Almoner	6			18	11		35	13
Pittancer	40			7		7	54	15
St Radegund	8	92	19	119	114	216	568	165
White Canons	48	98	28	89	40	151	454	150
Anglesey, Prior	11	6		39	5	8	69	22
Denny, Abbess		6		5	2		13	5
Huntingdon, Prior		2		48		18	68	13
Sturbridge Chapel	64			14	3	16	97	28
St Mary, Chantry				5	2	1	8	4
St Peter, Chantry			2				2	1
A gild				5		4	9	3
University		9	2	7	3	32	53	21
Corpus College		9		35	18	29	91	29
Michael House						3	3	1
[Christ's College]					10		10	1
Mortimer's Land		48	34	120		40	242	7
Arden, R. (*B*)			6				6	1
Arnold, J. (*B*)		4					4	3
Ashwell, J.					1		1	1
Barber, R. (*B*)		14		6		7	27	9
Barker, B.		4					4	1
Barrington, J.			8				8	1
Barton, J.					3		3	1
Beche, H. (*B*)				1			1	1
Bedford, W.		6					6	1
Bernard, J.				1			1	1
Bernard, S.		6		34	1	4	45	23

[1] Apparently the terrier copied by Dr Caryl was originally made for the Prior of Barnwell or else corrected by some one interested in his land, for in the statement of the content of his strips perches are often mentioned, while in other cases such accuracy is rare. In stating totals I have here and elsewhere neglected fractions of a rood. Add as unmeasured 6 selions of the White Canons in Ford Field, and a parcel belonging to Corpus in Bradmore. Parker's Piece is excluded; see above, p. 117.

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	Sturbridge F. Roods	Ford F. Roods	Swinecroft. Roods	Bradmore F. Roods	Clayangles. Roods	Middle F. Roods	Total Roods	Total Parcels
Bingham, P.		7				5	12	6
Blankpayn, J.		4					4	1
Brackley, R.				4			4	1
Brigham, R. (*M. R.*)	2						2	1
Bush, J.				3	1		4	2
Caldwell, E.					6		6	1
Cambridge, J.		6		5		26	37	11
Cambridge, T.	4			2		1	7	4
Carbonel, J.			18			3	21	4
Cayley, P. (*M. R.*)		64		17	2	58	141	32
Comberton, J. (*B*)				6		23	29	12
Comberton, R.						14	14	2
Cotton, C.				7	15		22	8
„ J. (*M. R.*)		1			15	4	20	6
„ T.				31		12	43	8
„ W.					7		7	2
Cowper, J.	4						4	2
Cutler			2				2	1
Essex, W.				5	1		6	2
Eversdon, R.	3	7				13	23	9
Firmar', A. de				8		14	22	7
Fish, W.					3		3	1
Gibbon, J. (*M. R.*)		13	2			4	19	5
Hadley					14		14	1
Hillesworth		1					1	1
Hogon		1					1	1
Holme, J.				2			2	1
„ T.				1		2	3	2
Horwood, W. (*M. R.*)				5			5	2
Ironmonger, J.						8	8	2
Jacob, T.			8				8	1
Joachim, T.				8		2	10	5
Lister, J.						8	8	1
Martyn, R.				16			16	5
Masterman, R. (*M. R.*)	3						3	1
Morris, J. (*M. R.*)		6		29	5	39	79	21
Morris, S. (*B. M.*)				3			3	3
Pawe, N. (*B*)		3		3	4	15	25	13
Payne, J. (*R*)			6				6	1
Peryn, B.		21	3	15	10	47	96	37
Piper, R.		2					2	1
Pocket, B.	5						5	3

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	Sturbridge F. Roods	Ford F. Roods	Swinecroft. Roods	Bradmore F. Roods	Clayangles. Roods	Middle F. Roods	Total Roods	Total Parcels
Pocket, J.				2			2	1
Poplington, H.		4					4	2
Porter, J. (*B*)				2			2	1
Potton, N.		1					1	1
Powle, R.	7			1		6	14	4
Preston, J.			12				12	1
Reder, W.				7			7	5
Richman, R.				4			4	1
Roger, N.					1		1	1
Rogers, J.				3			3	2
„ P.					8		8	1
Rosby, M.	1						1	1
Scale, H.		2					2	2
Smith, H.	3			14		12	29	15
„ J.			1				1	1
Sterne, R.				1	6		7	5
Stevens, J.				7		4	11	5
„ M.				3			3	1
Thorpe, J.						3	3	1
„ T.	1						1	1
Triplow, H.				4			4	1
Trumpington, A.					1		1	1
Tuliet, R. (*M*)				11			11	2
Turner, J.	1						1	1
Ware, J.				2			2	1
Warwick, G.						3	3	2
White, J.		4					4	1
Uncertain	37	14		97	52	24	224	21
Total	453	757	151	1382	473	1523	4739	1138

§ 56. We shall not go very far wrong if we say that a third of the Eastern Fields belonged to Barnwell Priory, another third to other ecclesiastical or collegiate bodies, and the remaining third to men of the town. It will be seen that the Nuns of St Radegund and the White Canons are richer in this quarter than in the Western Fields, also that the Hospital has nothing here. Probably a good deal of exchanging had been done[1].

[1] Among the Jesus charters, of which I have seen Mr Gray's notes, is one (Q. 35) whereby the Hospital gives the Nuns 7 A. 1 R. scattered in Barnwell Fields, in exchange for the same amount of land in Portfield, some of which is near the

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The Prior of Barnwell and the Nuns have some continuous tracts of considerable size; the Nuns are rich in Clayangles, which lies handy to their house. But often when two strips of the same owner lie together they must still be distinguished, for they tithe to different churches. Thus in the Clayangles and close to the town we find the following series.

			A.	R.	P.
4 selions	Nuns	A. d. B.	2	0	0
1 „	Prior of Barnwell	E.		2	0
1 „	Nuns	A. d. B.		2	0
2 „	Nuns, partible	A. d. B. A.	1	0	0
3 „	Nuns	E.	1	0	0

Here in a space of five acres three churches take tithe: namely, if I rightly construe the symbols, St Andrew of Barnwell (*A.d.B*), St Andrew the Great (*A*) and St Edward (*E*). What is more, there are strips belonging to the Nuns which tithe to the Almoner of Barnwell, and strips belonging to the Prior which tithe to St Radegund.

§ 57. The laity have little in all these Eastern Fields. Their tenements are small, and I take it that many of the men who are mentioned are poor people who till the soil that belongs to the religious houses. Their names are not those of the great burgensic families. Still there are exceptions: Robert Brigham, Philip Caley, John Cotton, John Gibbon[1], William Horwood and John Morris are mayors of the town and might, were they moderns, write *M.P.* after their names. Peryn and Tuliet are good old Cambridge names.

Across the water the laity were much stronger, and even in the fourteenth century the men who hold land there are very often the big men of the borough. This I can best show by means of the subjoined lists, in which I mark with an asterisk the names which occur in the terrier.

§ 58. In the Library of Downing College is a volume bequeathed to it by Alderman J. Bowtell. It was purchased by him at the sale of the books of Dr Charles Mason. It contains

Bin Brook. By another charter (Q. 36) the Canons of St Edmund's chapel (White Canons) give the Nuns 4 A. 3 R. 16 P. lying in 3 parcels in Barnwell Fields in exchange for 3 A. 2 R. 13½ P. lying in 4 parcels in Swinecroft.

[1] In 1381 there were two John Gibbons. One of them was drawn and hanged for his part in the insurrection.

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the results of Dr Mason's researches among the muniments of Trinity and Corpus Christi. He has made a calendar of the Mayors and Bailiffs mentioned in the deeds. This runs from Hen. III. to Hen. VII., dates being rare before 10 Edw. I. It is a very elaborate piece of work, with exact dates and references, which I here omit. As the year of office did not coincide with the regnal year, the statement here made that a certain man was mayor in a certain regnal year means only that, according to Dr Mason's calendar, that man was mayor in some part of that year. The well-known antiquary William Cole laboured among the charters at Corpus for the same end. The result is a calendar of Mayors and Bailiffs preserved in Brit. Mus. MS. Addit. 5833, whence I here draw a few names which are enclosed in square brackets. By a combination of the two lists, Mason's and Cole's, a complete catalogue of the office-holders should some day be made by a patriotic burgess. I set an asterisk against names that occur in our field-books.

Mayors and Bailiffs of Cambridge.

HENRY III. AND EDWARD I. (WITHOUT DATE).

Mayors	Bailiffs.
Rog. de Wykes	Pet. de Wilburgham, Will. Eliot, Joh. Porthors, Walt. Ent.
Ric. Laurence	Will. Eliott, Sim. ad Aquam, Ger. ad Stagnum.
Joh. Ent	Joh. Porthors, Mic. Pilet, Rog. de Weresfeild, Joh. de Ailsham, Rob. de Maddingley.
Joh. le Rus	Joh. Porthors, Ernic Mercator, Tho. Plote, Herv. Tinctor.
Joh. Martyn	Mic. Pilet, Joh. Porthors, Rob. de Maddingley.
Joh. Martyn	Joh. de Ailsham, Ger. de Vivariis, Mic. Pilet, Rob. de Maddingley.
Joh. Martyn	Joh. Porthors, Will. Goldring, Sim. Godeman, Herv. Tinctor.
Joh. Martyn	Regin. de Cumberton, Sim. ad Aquam (de Bradele), Joh. Peryn, Rog. de Wethersfeild.
Joh. Martyn	Rob. Wymund, Rob. Tuylet, Galf. le Ferour, Joh. Gerund.
Joh. Martyn	Rob. Wymund, Joh. Porthors, Rob. Tuylet, Jac. Ferrarius.
Joh. Martyn	Will. de Hulm, Tho. de Madingley, Alan de Welles, Joh. Prentyz.
Joh. Martyn	Joh. Peryn, Rog. de Wethersfeild, Joh. de Caumpes, Hump. le Draper.

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Mayors	Bailiffs.
Bart. Gogging	Rob. Wymund, Joh. Palfryman, Sim. de Bradele, Ric. Bateman jun.
Bart. Gogging	Joh. Porthors (Porter), Rob. Wymund, Joh. de Ailsham, Gerard ad Vivarium (de Vyver) (ad Stagnum).
Will. Eliot	Hen. Tuylet, Hen. Nadun, Joh. Buth, Joh. Palfryman.
Joh. Dunning	Joh. de Leek, Sim. Godeman, Galf. Knyvet, Joh. Robelard.
Joh. Buth	Joh. Porthors, Mic. Pilet, Ric. Bateman jun., Joh. de Ailsham.
Joh. Buth	Rob. de Madingley, Rog. de Wethersfeld, Joh. Palfryman, Sim. de Bradely.
Joh. Buth	Joh. Gerund, Will. Seman, Ric. Bateman jun., Ric. de Hokele.
Joh. Buth	Tho. Tuylet, Ric. Crochman, Joh. Golding, Step. Hunne (Hunt).
Joh. Martyn	Rob. de Shelford, Regin. de Cumberton, Joh. de Branktree, Joh. Pawe.

HENRY III. (28 Oct. 1216.)

Ann.	Mayors	Bailiffs
54	Joh. fil. Martyn	Hen. Tuyleth, Joh. de Ailsham, Rob. Wymund, Hen. Nadun.
55	Joh. Martyn	Joh. Porthors, Regin. Sherwyne, Will Elliott, Rog. de Wilburgham.

EDWARD I. (20 Nov. 1272.)

1	Bart. Goggyng	Joh. Porthors, Rob. Wymund, Joh. de Ailsham, Ger. de Stagno.
6	Joh. Buth	Joh. Gerund, Will. Seman, Ric. de Hokele, Ric. Bateman jun.
10	Joh. Martyn	Joh. Porthors, Mic. Pilet, Rob. de Maddingle, [Joh. Peryn].
11	Joh. Buth	Will. Seman, Joh. Porthors, Ric. Laurence, Ric. Bateman jun.
	———	[Joh. Gerund, Ric. fil. Ric. Bateman, Will. Seman, Ric. de Hockele.]
12	Joh. Martyn	Rob. Wymund, Rob. Tuylet, Galf. Fabrarius, Joh. Gerund.
13	Joh. But	Rog. de Wethersfeld, Joh. le Palfryman [alias le Palfreyur], Rob. de Maddingley, Sim. de Bradeley.
14	Joh. But	Joh. Porthors, Mic. Pylet, Ric. Bateman, Joh. de Aylesham.
15	Joh. But	Joh. Martyn, Joh. Peryn, Hump. de Costesey, Rog. de Wethersfeld.

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Ann.	Mayors	Bailiffs
16	Joh. Martyn	Rob. de Shelford, Regin. de Cumberton, Joh. Pawe, Joh de Branketre.
17	Joh. Martyn	Joh. Peryn, Joh. de Caumpes, Rog. de Wethersfeld, Hump. le Draper.
18		Joh. Buth et Mich. Pylat *Gardiani.*
19	Joh. But	Joh. Porthors jun., Galf. le Ferur, Joh. de Banketre, Rob. Stersman.
20	Joh. But	Thos. Tulyeth, Ric. Crochman, Joh. Goldring, Steph. Hunk [or Hunne].
21	Mic. Pilet	Will. de Hulm, Thos. le Mercer (alias de Madingle), Joh. Prentyz, Alan de Welle.
22	Rob. Tuylet	Rob. Matfray, Mic. fitz Joh., Mic. Wolward, Walt. de Fulburne.
23	Joh. Gerund	Gui. le Specer, Pet. le Barkere [Bakere], Sim. Sephare, Joh. Peryn.
24	Joh. But	Will. Pyttock, Joh. de Kymbele (Kynburle), Rob. de Hinton, Will. de Bekeswell.
25	Joh. Dunning	Joh. Gogging, Sim de Refham, Ric. [Rad.] de Cumberton, Walt. de Berking.
26	Joh. Dunning	Will. de Leeds, Hen. de Berton, Galf. de Costesey, Aunsel de Costesey.
27	Joh. Dunning	Galf. Knyvet, Sim. Godeman, Joh. de Lockton, Joh. Robylard.
28	Gui. le Specer	Sim. de Stockton, Rob. Culling, Joh. Prentyz, Ric. Dunning.
29	Sim. de Stockton	Walt. Cole, Thos. [Phil.] Cumberton, Ric. de Bodekesham, Rob. de Cumberton pistor.
30	Sim. de Stockton	Rob. Pistor de Cumberton, Will. Martyn, Mat. Aurifaber, Rob. de Brunne.
	———	[Joh. de Schelford, Will. Engayne, Will. de Orwelle, Humf. Godlombe.]
31	Sim. de Stockton	Will. Martyn, Mat. Aurifaber, Rob. de Daker (Baker), Rob. de Brunne.
32	Sim. de Stockton	Joh. de Cumberton, Regin. Bercarius, Will. Thurroc, Rob. Sethford [Seckford].
33	Joh. Goldring	Will. de Cumberton, Rog. le Hafter, Joh. fil Ric. Wombe.
34	Joh. Dunning	[Joh. Moris], Adam Godson, Ric. Wolward, Pet. de Brigham [Byrlingham].
35	Sim. de Stockton	Joh. Edward, Sim. de Armine (Brunne), Rob. de Welles, Rad. de Cumberton jun.
	———	[Sim. de Brune (alias de Reynham), Joh. Edward, Rad. de Cumberton jun., Rob. de Welle.]

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EDWARD II. (8 July 1307.)

Ann.	Mayors	Bailiffs
1	Joh. Dunning	Joh. [Fikeys], Will. de Brunne, Thos. de Tendring (le Taylour), Rad. Hankyn [alias de Comberton].
3	Joh. Dunning	Rob. Tuylet jun.*, Joh. Culling, Rog. de Costesey*, Jac. Godlomb.
4	Sim. de Refham*	Hen. de Toft*, Will. Carbonel, Sim. de Bradele, Rob. Dunning*.
5	Sim. de Refham*	Joh. Pilet*, Regin. de Trumpeton, Tho. de Branktree.
6	Gui. le Spicer	Joh. Duck, Joh. de Cumberton*, Joh. de Trumpeton, Tho. de Snaylwell.
7	Gui. le Spicer	Bart. Morrice, Will. Carnifex, Joh. Martyn, Rob. le Long.
8	Joh. Morrice*	Galf. de Costeseye, Alan de Walsete [le Walsche], Will. Holay, Will de Bedeford.
9	Gui. le Spicer	Joh. Tuylet, Ric. de Thacksted, Ad. de Bungey, Galf. de Warboys*.
10	Joh. Morrice*	Joh. de Leeke, Tho. de Elm, Will. Seman, Bart. Tannator.
11	Rob. Dunning*	Joh. de Deneford, Rob. de Boltun, Gilb. [Rob.] de Chateriz, Will. de Bodeney.
12	Rob. Dunning*	Tho. de Cottenham, Will. de Lenne, Galf. Duke, Will. le Hayward.
13	Eudo de Helpringham	Joh. de Tychewell, Alan de Refham*, Will. de Pocklington, Ric. de Trippelawe.
14	Eudo de Helpringham (clericus)	Joh. Berfote, Henr. de Holm, [Ric. Modbrok, Hen. de Wynepol].
15	Sim. de Refham*	Hen. de Toft*, Ric. [Rob.] de Brunne, Rob. de Cumberton, Joh. Pilat*.
16	Sim. de Refham	Rob. de Bray [Bery], Will. de Thaxted*, Will. de Sledemere, Joh. le Barber.
17	Rob. Dunning*	Ric. Tuylet*, Joh. de Newton, Sim. de Morden*, Hen. Knyvet.
19	Eudo de Helpringham	Milo de Trumpeton, Rob. de Brunne, Will. Holay, Joh. de Cumberton*.
20	[Eudo de Helpringham]	

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EDWARD III. (25 Jan. 1327.)

Ann.	Mayors	Bailiffs
1	Eudo de Helpringham	Joh. Outlawe, Alan de Badburgham.
2	Eudo de Helpringham	Rob. de Cumberton, Sim. de Bradeley, Galf. de Wareboys*.
3	Hen. de Toft*	Joh. Knyvet, Hug. Pyttock*, Rog. [Alex.] le Husseh [Husser], Rob. Martyn.
4	Joh. Pylat*	Rob. Seman, Hen. Peryn, Steph. de Panfeild, Joh. de Teversham.
5	Joh. Pylat*	
6	[Joh. Pittocke]	Galf. de London, Sim. Bernard*, Rob. de Tichewell, Dan. de Felstede.
7	Joh. Pyttock*	Rob. Hassock, Will. de Warwic, Hen. de Beche*, Will. de Heyham.
8	Joh. Pyttock*	Joh. le Spencer, Will. le Forster mercenarius, Albric. Mercenarius, Will. de Refham.
9	Joh. Pyttock*	Sim. de Chesterton, Rog. Chaundler, Tho. de Wintringham, Ric. Bradenheth, [Nic. de Stowe].
10	Joh. Pyttock*	Tho. de Wells, Laur. Pittock, Hen. de Brunne, Will. de Hinxton.
11	Ric. Tuylet*	Joh. de Barnton, Bened. Pyttock, Joh. Baron, Will. [Ric.] Martyn.
12	Ric. Tuylet*	Joh. de Toft, Will. atte Churchstile (de Campesse), Ric. de Arderne*, Nic. Pawe*.
12	Ric. Tuylet*	Herv. Pilat, Joh. de Baldoc, Joh. de Bernay, Joh. de Cumberton pelliparius*.
13	[Ric. Tuylet*	Sim. de Refham, Rog. le Chandelur, Joh. de Thackstede, Wil. le Glasenwryght.]
13 [or 14]	Ric. Tuylet*	Joh. de Refham, Joh. de Bungey, Laur. de Talleworth, Joh. de Bronne.
15	Phil. Caley*	Jacob. fil. Agnetis (Fisher), Eric [Brice] de Refham (Balsham), Joh. le Porter, Sim. Scapewyche [Staupwik].
16	Phil. Caley*	Edm. de Ovyngton, Joh. Arnald*, Joh. Vavasour, Rob. de Weton.
17	Barth. Morrice*	Will. de Horwode*, Hugh le Faber [le Smyth] de Bernewell*, Joh. de Marblethorp, Rog. de Brandon.
	———	[Dan de Felstede, Joh. Wyth, Joh. de Marbilthorp, Will. de Horwood*.]
18	Barth. Morice*	Joh. de Bernwell, Joh. de Shadeworth, Joh. le Tableter, Ric. de Weston.
19	Ric. Tuylet*	Joh. de Brunne, Ste. Morrice*, Joh. Redhede*, Will. de Brigham.

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Ann.	Mayors	Bailiffs
20	Ric. Tuylet*	Herv. Pilat, Joh. Baldok, Joh. de Cumberton*, Joh. de Berney.
21	Phil. Cayley*	Will. de Lolleworth*, Hen. le Clerk [alias de Midilton], Ric. de Thaksted, Galf. de Warwick*.
22	Rob. Brigham*	Tho. de Welles, Rob. Martyn, Hen. de Beche*, Dan. de Felsted.
23	Rob. Brigham*	Tho. Morrice sen.*, Steph. Morrice jun.*, Joh. Purrey.
24	Will. Horwode*	[Rog. de Brampton, Joh. de Marbylthorp, Hug. le Smyth.]
25	Will. Horwode*	Joh. de Paunfeld, Thos. de Marblethorp*, Ric. Powell, Will. de Lindeseye (Condesie).
26	Will. Horwode*	Ric. fil Joh. Morrice*, Joh. Segeuill [Segevil], Joh. de Poklinton, Edm. Lyster.
27	Step. fil. Joh. Morrice*	Joh. de Essex, Tho. Pope (Piper), Joh. de Wyneston, Will. Wynde.
28	Step. fil. Joh. Morice*	Rog. de Refham, Tho. Morrice*, Joh. Tyler, And. de Todenham [Cotenham].
29	Step. fil. Joh. Morice*	
30	[Rog. de Harlaston*	Joh. de Baldok, Joh. Wyth, Rog. de Refham, Joh. de Berneye.]
30–1	Rog. de Harleston*	Joh. de Roiston, Will. le Glaswright, Tho. Bole, Joh. le Burn (Turnour).
32	Rog. de Harleston*	Joh. Gybbon*, Joh. Abuseman (?).
33	Step. fil. Bart. Morrice*	
34	Step. fil. Bart. Morice*	
35	Step. fil. Joh. Morrice*.[Step. Morice jun.]	Joh. Berle, Joh. Baldwyne, Joh. Hylburgworth.
36	Step. fil. Joh. Morice*	
36–7	Joh. Morrice*	
38	Joh. London	Ric. Fynchinfeld, Will. Burton, Will. Hosteler, Pet. Lewich (?).
39	Edm. Lyster	
40	Joh. London	
41	Joh. Morris*	
42	Ric. Fouke*	Joh. Titeshale, Will. Clopton, Tho. Marblethorp*, Rob. Barber*.
43	Joh. Morris	
45	Joh. Gybbon*	Ric. de Arderne*, Joh. Barker.

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Ann.	Mayors	Bailiffs
46	Joh. Gybon*	.....Lyster, Tho. Lolleworth, Will. Noled, Will. Ostler.
47	Will. Horewode*	
48	Joh. Blankpayn	
49	Joh. Morrice*	
50	Joh. Gybbon*	
50	Joh. Cotton*	

§ 59. *Representatives of the Borough in Parliament*[1].

23	Edw. I.	1295	Joh. de Cantebrege, Bened. Godsone.
26	„	1298	Joh. fil. Paulini, Tho. de Maddingle.
29	„	1301	Tho. de Maddyngle, Rog. Maniaunt.
30	„	1302	Mich. Pylet, Tho. de Maddingle.
33	„	1305	Mich. Pylet, Tho. de Maddingle.
34	„	1306	Sim. de Refham, Will. de Combertone.
35	„	1307	Joh. de Shelforde, Phil. Pawe.
1	Edw. II.	1307	Joh. Morice, Joh. Cullyng.
5	„	1311	Mich. Pylet, Joh. Culling.
6	„	1312	Rog. de Costeseye, Mat. le Orfevre.
6	„	1313	Mat. le Orfevre, Rog. de Costeseye.
7	„	1313	Rog. de Costeseye, Mat. le Orfevre.
8	„	1315	Rob. Tuillet*, Rog. de Costeseye.
12	„	1318	Will. de Lolleworthe, Will. Tuyllet*.
12	„	1319	Joh. de Coulinge, Edm. de Cantebrige.
14	„	1320	Rob. Dunnynge*, Ric. de Kimberle.
15	„	1321	Tho. de Cotenham*, Galf. de Lenne.
15	„	1322	Tho. de Cotenham*, Galf. de Lenne.
16	„	1322	Joh. Pyttoke*, Galf. de Lenne.
17	„	1324	Will. de Lolleworthe*, Joh. Pytoke*.
19	„	1325	Joh. de Denford, Joh. Pilat*.
20	„	1327	Joh. Moriz*, Hen. de Toft*.
1	Edw. III.	1327	Eudo de Helpryngham, Will. de Lolleworthe*.
2	„	1328	Galf. de Leen, Tho. de Cotenham*.
2	„	1328	Joh. Moriz*, Joh. de Neutone.
2–3	„	1328–9	Steph. de Cantebrige, Joh. le Clerk.
4	„	1330	Joh. de Neutone, Tho. Andreu.
4	„	1330	Joh. Pilat*, Galf. de Lenne.
6	„	1332	Joh. Pylat*, Galf. de Lenne.
6	„	1332	Joh. de Neutone, Will. de Saham.
6	„	1332	Edm. de Cantebrigge, Joh. de Lyngwode.
8	„	1334	Phil. de Cayly*, Will. de Saham.

[1] From the blue book.

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9	Edw. III.	1335	Galf. de Len, Will. de Saham.
10	„	1336	Joh. Morice*, Will. de Saham.
10	„	1336	Joh. Morice*, Joh. Which'.
11	„	1337	Galf. de Lenne, Joh. Pytcok* [corr. *Pyttok*]
11	„	1337	Joh. Morice*, Joh. Pitcock*.
12	„	1338	Joh. Morice*, Joh. Pitcoke*.
12	„	1338	Joh. Pytcoke*, Will. de Lolleworthe*.
12–3	„	1339	Rob. de Bregham*, Joh. Pitcoke*.
13	„	1339	„ „ „ „
13	„	1340	Phil. Cailly*, Edm. de Ovyngtone.
14	„	1340	„ „ „ „
15	„	1341	Joh. Pitcoke*, Edm. Rokeland.
20	„	1346	Tho. de Cotenham*, Will. de Lolleworthe*.
22	„	1348	Joh. de Hiltone, Nic. de Felmersham.
28	„	1354	Hen. de Middeltone, Will. de Horewode*.
29	„	1355	Joh. de Baldoke, Hen. de Middeltone.
32	„	1358	Step. fil. Bart. Morice*, Joh. de Baldoke.
34	„	1360	Joh. de Essex, Joh. Londone.
34	„	1361	Joh. de Essex, Joh. (?) Morice.
37	„	1363	Joh. de Londone, Will. Horwode*.
38	„	1365	Joh. de Londone, And. Cotenham*.
40		1366	Joh. Londone, Will. Horwode*.
43		1369	Joh. Morice*, Edm. Lystere.
46	„	1372	Joh. Moryce*, Edm. Lytestere.
47	„	1373	Joh. Morys*, Joh. Blaunkpayn.
50	„	1376	Joh. Morice*, Joh. Blankpayn.
51	„	1377	Edm. Listere, Joh. Blaunpayn.
2	Ric. II.	1378	Joh. Gyboun*, Joh. Cantebrigge.
2	„	1379	Joh. Morice*, Joh. de Cottone*.
3	„	1380	Edm. Redemede, Joh. Moris sen.
4	„	1380	Joh. Cottone*.

§ 60. We can apply another test. In 1340 Parliament granted the king a ninth of movables in cities and boroughs. About 432 people were taxed in Cambridge[1]. The poorest class consisted of those who were to pay six-pence apiece, and whose goods therefore (for this is the true order of medieval logic) were appraised at 4*s.* 6*d.* The Prior of Barnwell was to pay 30*s.*, the Scholars of Merton 10*s.*, the Prioress of St Radegund 13*s.* 4*d.*, and so forth. Now we will make a list of the men whose goods are valued at 40*s.* and upwards.

Thomas of Welles 54*s.*, John Redhed 45*s.*, Geof. Seman 40*s.*, Ric. Tulliet 60*s.*, Alan Refham 72*s.*, Hugh Pyttok 58*s.* 6*d.*, John

[1] Nonarum Inquisitiones (Rec. Com.), 216 ff.; see also Cooper, Annals, i. 93.

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Shadworth 49*s.* 6*d.*, John le Meresch 45*s.*, Alicia Helpryngham 60*s.*, John Pyttok 45*s.*, Will. Lolleworth 45*s.*, Bened. Pyttok 45*s.*, Rob. Bury 180*s.*, Laur. Talworth 58*s.* 6*d.*, Tho. Cotenham 40*s.*, Ste. Paunfield 54*s.*, Joh. Shatfield 72*s.*, Reg. Trumpeton 45*s.*, Rob. Goldesmyth 45*s.*, Bricius de Refham 60*s.*, Ric. le Tabletter 180*s.*, Joh. de Tablettor 45*s.*, Joh. Vavasour 72*s.*, Rob. Brigham 60*s.*, Edm. Ovyton 200*s.*, Sim. Refham 45*s.*, Joh. Andreu 60*s.*, Bar. Peryn 45*s.*, Joh. Neuton 51*s.*, Will. Thacsted 60*s.*, Joh. Barynton 45*s.*, Rob. Comberton 162*s.*, Th. Wyttringham 45*s.*, Rob. Cotenham 54*s.*, Hen. Bech 45*s.*, Ad. Dungeye 45*s.*, Hen. Brune 54*s.*, Geof. Wardeboys 45*s.*, Tho. Morice 40*s.*, Will. Stowe 54*s.*, Ric. Shitlyngton 60*s.*

Out of these 41 names I believe that 18 appear in our field-books as those of the past or present holders of land. Roger of Harleston has not yet come on the scene. One of the persons whose estates he acquires, Richard the Tableter, is almost the richest man of the town. His name may show that agriculture is not the origin of his wealth, but we may remark by the way that among the leading burgesses of Cambridge in the fourteenth century surnames which imply trade or craft are rare when compared with surnames derived from neighbouring villages, such as Barton, Coton or Cotton, Cottenham and Comberton.

How did the burgess of the fourteenth century who owned a couple of acres cultivate them or get them cultivated? I think that any talk of market-gardening or spade-husbandry must be put out of the question by the 'commonableness' of the field. Perhaps he paid one of the few men who had beasts and ploughs to do the ploughing for him; or perhaps one farmer would take leases from many different people.

§ 61. We must pass to a remoter time. A marvellously full account of Cambridge is given on the Hundred Roll of 1279[1]. No other borough in England can show such a record. I have endeavoured to tabulate some small part of the information that it offers. First we will look at the urban nucleus. In the following table I give for each parish the names of the owners of houses etc., or, to speak more nicely, of the freeholders who hold houses in demesne. A number preceding a man's name means that he has that number of houses. A bracketed

[1] Rot. Hund. ii. 356.

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number following a name indicates the number of pence that a house pays by way of haw-gavel[1].

§ 62. ST GILES.

Houses: Leonius Dunning. Hospital. Walt. de Berdefeld. Walt. fil. Reg. le Bercher. Marg. fil. Rad. Norman. Will. Norman (½). Sim. fil. Hen. de Berton (½). Will. Botte (2). Amicia Dunnyng (3). 2 Amicia Dunnyng. Amicia Dunnyng (1). Geof. Andre (1). Geof. Andre (½). Geof. Andre (1). Geof. Andre (½). Geof. Andre (½). 2 Geof. Andre. Rob. Wimund. Marg. fil. Rob. Wimund. Matild fil. Rob. Wimund. 2 Norman le Cupere. Sarra fil. Norm. le Cupere. Joh. le Mire. Rob. Lauman. Will. fil. Walt. Norman. Amice fil. Alb. le Sunr. Ad. Scot. Morice le Tailur. Will. fil. Jordan. Isab. fil. Tho. de Froyslake (½). Rog. fil. Ric. Ampe. Rog. fil. Ric. Ampe. Rob. fil. Rob. Seman (1). Laur. Seman (1½).

Vacant places: Will. Norman. 2 Geof. Andre. Mich. Wulward.

Barns etc.: Joh. Porthors.

ST PETER BY THE CASTLE.

Houses: 2 Will. le Plowritte. Alan del Hawes. Alan del Hawes (½). Alan del Hawes (½). 2 Rob. Wimund. Agn. fil. Phil. le Tailur. Morice le Tailur. 2 Joh. Warin. Mich. Wulward. Joh. Dunning. Rog. de Wetherfeld (2). Geof. de Spertegrave. Rob. fil. Rob. Seman. Laur Seman. Tho. Godeman (2½).

Shops etc.: Alice ux. Will. le Barbur (1).

ALL SAINTS BY THE CASTLE.

Houses: Nich. Andre (3½). Hen. Blangernun. Hen. Blangernun (1). Geof. de Spertegrave. Hen. Faber. Will. de Standon. Marg Warin. Eva fil. Christ. de Huntedon. Joh. Porthors. 2 Sabina Huberd[2]. Sabina Huberd (½)[2]. Wil. de Pikering. Ric. Laurence. Heiresses of Will. Braci. Heiresses of Will. Braci (1). Joh. fil. Will. Braci.

Vacant places: Hen. Blangernun. Morice le Tailur. Will. fil. Walt. Norman (2). Rog. fil. Ric. Hampe.

Shops etc.: 4 Marg. Warin (½). Sabina Huberd[2] (½).

Barns etc.: Ste. Pistor. Sabina Huberd. Hen. Toylet.

ST CLEMENT.

Houses: Hen. le Coteler (1). Tho. le Marsscal. Joh. Porthors. Rob. de Lunden. 2 Joh. But. Helewisa Plumbe (1). Ric. de Parham. Marg. de S. Albano. Cecilia fil. Agn. Plumbe. Ric. Aldzod (1½). Ste. Pistor. Ste. Toli (2). Rob. fil. Wil. Toylet (1). Ric. fil. Will. Seman (1½). Nic. fil. Will. Seman (1½). Nic. fil. Will. Seman. Sabina Huberd. Marg. de Aula. Tho. Godeman. 2 Will. de Hulmo. Geof. le Cuner. Will. de Pikering (2). 2 Will. de Pikering. Will. Seman (2). Will. Seman (2). Giles fil. Joh. de Berton (1). Hen. de Berton (½). Hen. de Berton. Joh. de Wautham. Marg. fil. Edm. de Stewincton (½). Alice de Pinchestre.

[1] In a few cases the gavel covers some land as well.

[2] Perhaps in St Clement's.

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Vacant places: Rog. fil. Ric. Hampe.

Shops etc.: Tho. le Marsscal. Rob. fil. Aunger. Ric. Prest. Nic. Morice (¼). Nic. Morice (¼)

ST SEPULCHRE.

Houses: Prior of Barnwell. 2 Hospital (1½). Geof. Andre. 2 Bar. Gogging. Mariota de Berton. Hen. Toylet.

ALL SAINTS BY THE HOSPITAL.

Houses: Will. de Rudham. Avicia fil. Sim. Godeman. Alicia fil. Sim. Godeman. 2 Agn. de Huntedon (½). Walt. Pylat. Joh. fil. Will. Waubert. Lucia fil. Will. Toylet. Ric. Crocheman (1½). Will. de Billigford.

Vacant places: Ric. Wombe.

Shops etc.: Will. Seman. Sim. Constabularius. Alicia fil. Sim. Godeman.

Barns etc.: Rob. fil. Will. Toylet. Will. Seman. Ric. de Hockele. Hen. Toylet.

ST RADEGUND.

Houses: Nuns of St Radegund (3). Agn. de Huntedon.

ST MICHA

Houses Prior of Anglesey. Ad. fil. Will. Burges. Ric. de Hockele. Matild. fil. Yfanti. Ric. Wombe. Hen. Toylet. Will. Crocheman (4). Ad. de le Grene. Marg. fil. Fulc. de Bernewelle. Ric. le Ber. Mr Will. de Beston. Mr Ad. de Boudon. Rector of St Michael's (2). Sim. Constabularius. Will. de la Bruere (4). Mr And. de Giselham (2). Mr Rad. de Walepol. Sim. fil. Sim. Godman. Ric. Crocheman.

Vacant places: Ad. fil. Will. Burges. Ric. Bateman. Will. Crocheman. Prior of Anglesey.

Shops etc.: Ric. Bateman jun. (¼).

Barns etc.: Nic. Morice. Alice Soror Ernisii. Prior of Anglesey. Prior of Ely.

ST MARY.

Houses: Luke fil. Sim. Roy. Cecilia vid. Pet. de Welles. Sim. fil. Joh. de Bradele. Ric. de Hockele. Rog. de Ridelingfeld. Joh. le Franceys. Nic. Aurifaber (1). Nic. Aurifaber (2). Reg. de Comberton (1). Reg. de Comberton. Reg. de Comberton (2). Joh. Balle. Alice Soror Ernisii Mercatoris. Joh. Yve. Tho. de Arnigton. Ric. Bateman. 2 Marg. Abicon. Wakelin le Barbur. Walt. le Hunte. 2 Galf. le Ferrur. Tho. le Coteler. Rob. le Witesmyth. Will. de Tingwiche. Joh. Matelasc. Tho. Mercator. Marg. fil. Joh. de Flocthort. 3 Will. le Comber. 2 Ric. Bateman jun. 2 Walt. le Plomer. Will. le Lorimer (2). Rob. fil. Rob. de Maddingele (2). Rob. fil. Rob. de Maddingele (½). Rob. fil. Rob. de Maddingele. 2 Matild. fil. Yfanti. 2 Simon de Potton. Joh. de Robelond (1½). Will. Crocheman (1).

Vacant places: Osb. le Ferrur. Joh. le Franceys. Ric. Bateman. Walt. le Hunte. Walt. le Plomer. Tho. Podipol (2). Matild. fil. Yfanti. Simon Prat.

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Shops etc.: Tho. de Impiton. Rad. Scutard. Nic. Aurifaber. 2 Ric. Bateman. Marg. Abicon (24?). 2 Will. de Norfolchio. Walt. Wragon. Walt. le Hunte. Galf. le Ferrur. Rob. le Witesmyth. Rob. de S. Botulpho. Tho. Mercator. 2 Will. le Comber. 4 Ric. Bateman. Will. le Lorimer. Simon de Potton. 2 Tho. Blome. Warin. de Teversham. Will. Castelein. Ric. Wombe (8). 2 Gilb. Bernard. Nuns of Swaffham (20½).

ST EDWARD.

Houses: Luke fil. Sim. Roy (6). Ric. Laurence. Osb. le Ferrur (1). Joh. de Branketre. 3 Isabella Morini. 2 Alan de Sneylewelle. Joh. de Westwick (1). Joh. de Westwick. Marg. fil. Nic. ultra Forum. Will. Paris. Derota fil. Nic. ultra Forum. Rad. Scutard. Will. Ide. Joh. le Franceys (1). Rog. de Wilburham (2). Joh. le Barbur. Rob. Karun. Ric. Bateman jun. Matild. fil. Yfanti (1). Sim. Prat. Gilb. Bernard. Gilb. Bernard (1). 2 Gilb. Bernard (1).

Vacant places: Tho. Godeman. Gilb. Bernard.

Shops etc.: Nic. Morice (8). Rob. Wulward (8). Joh. de Branketre. Isabella Morini. Alan Scutard. 3 Tho. fil. Edm. Mo[illegible]dina [illegible]. Tho. fil. Edm. Molendinarii (8). Mich. fil. Julian. Pageley (2). Mich[illegible] fil. Julian. Pageley. Ric. Bateman. 2 Galf. le Ferrur. Rob. de S. Bo[illegible]lpho.

ST JOHN.

Houses: 2 Prior of Ely. Prior of Hospitallers. Guy de Mortimer. Joh. Dunning. Laur. Seman. Joh. Porthors. Will. Seman. Will. Seman (½). Will. Seman (½). Will. Seman (1). 2 Mariota de Bertone (haw-gavel but unspecified). Mat. ux. Ran. ad Portam (4). 2 Nic. de Draiton. 2 Sim. fil. Joh. de Bradele. Sim. fil. Joh. de Bradele (1). Joh. fil. Ric. Gregor'. Sim. fil. Sim. ad Aquam. Ric. de Hockele (2). Ric. de Hockele. Ric. de Hockele (1). Rob. le Steresman (¾). Sim. Scan (4). Sim. Scan (¼). Rog. de Redelingfeld (haw-gavel with other lands). Rog. de Redelingfeld. Joh. de Berkinke. Nic. de Totington (1). Nic. de Totington. Abb. de Wardone (1½). Abb. de Teletye (1). Joh. Auwre (2). Thom. fil. Edm. Molendinarii. Will. le Comber. Matild. fil. Yfanti (2). Matild. fil. Yfanti. Alice fil. Sim. Godeman.

Vacant places: Marg. fil. Rob. Wimund. Ric. de Hockele. Sim. fil. Ric. de Hockele. Nic. de Totington.

ST BENET.

Houses: Rob. fil. Will. Longe. Reg. le Bercher. Tho. fil. Walt. de Berdefield. Will. Seman (1¼). Hen. de Berton (½). Hen. de Berton (1). Bar. Gogging. Ad. le Barbur. Sepehar le Gaunt'. Avice fil. Will. Braci (1). Joh. fil. Ranulph. Marg. fil. Will. Sot (2). Nic. Morice (2). Nic. Morice (2). Nic. Morice (1). Nic. Morice (½). 2 Cecilia vid. Pet. de Welles. Joh. fil. Herv. Gogging. 2 Will. de Rudham. Rad. de Comberton (½). Rad. de Comberton. Geva ux. Tho. Swin. Rob. Wulward. Will. Erchebaud. Will. fil. Ben. de Harleton (½). Ric. le Herde. 2 Osb. le Ferrur. Will. Cocus (1). Joh. de Wysbeche (1½). Walt. de Hynton.

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2 Joh. de Branketre. Will. le Bleckestere (½). Will. le Comber. Will. le Kaleys. Tho. Carpentarius. Basilia de Touleslond (1). Joh. de Fincham (1). Ric. de Sneylewelle (1). Rad. Beupam. Ad. fil. Will. Burgess. Alan de Sneylewelle. Marg. Abicon. Walt. le Hunte. Marg. fil. Fulc. de Bernewelle. Gilb. Bernard.

Vacant places: Luke fil. Sim. Roy. Bar. Gogging (2). Cecilia vid. Pet. de Welles (1). Osb. le Ferrur (1). Osb. le Ferrur. Hen. Capellanus. 2 Joh. de Branketre. Gilb. Bernard.

ST BOTULPH.

Houses: Bar. Gogging (1). Bar. Gogging (1). Alan. Attepond (1½) 3 Gerard de Wivar'. Gerard de Wivar' (2). Hen. fil. Tho. Hardi. Tho. Hogiton. Walt. fil. Hen. de Cestretone. Hen. de Bertone (¾). Joh. de Wautham. ½ Ad. le Barbur (1½). Sepehar le Gaunt'. Mariota de Bertone (1). Amb. fil. Geof. Pistor. Walt. Bercharius. Walt. fil. Hen. de Howes (1). Ste. Hunn' (2). Avice fil. Wil. Braci (1). Joh. le Palfreyman (1). Joh. Martin. Will. fil. Alice de Shelford. Nic. de Braiton. Elena vid. Reg. Sherewind (1). Will. Sab'. Will. Molendinarius. 4 Saer de Ferrynges. Cecilia fil. Pet. de Welles. Sim. fil. Sim. ad Aquam. Sim. fil. Sim. ad Aquam (1½). Alice fil. Will. Lucke. Joh. Auwre (4). Will. le Blunt (2). Ric. Wombe (1½).

Vacant places: Bar. Gogging (2). Will. Seman (½). Joh. de Westwick.

Shops etc.: 2 Gerard de Wivar'.

ST PETER WITHOUT THE GATE.

Houses: 2 Prior of Anglesey. Hen. de Ho. Will. de Sauston. Joh. Perin (1½). Joh. de Eilsham (½). 8 Joh. de Eilsham. Luc. de St Edmund (gavel with other lands). Alan Baselei. Herv. Pippe. Alan Attepond. Sepehar le Gaunt'. Pet. fil. Tho. Swyn (2). Pet. fil. Tho. Swyn. Tho. fil. Edm. Molendinarii. Sabina fil. Joh. Paternoster.

Houses at Newnham: Will. le Tanur. Alan Bainard. 2 Amb. fil. Joh. Goderich. Rob. fil. And. Frede. Alan Attepond. Saer de Ferrynges. Joh. de Branketre. 3 Joh. Martin.

Vacant places: 2 Hen. de Ho. Hen. de Ho (½).

Shops: 3 Amb. fil. Joh. Goderich. Alice fil. Will. le Barbur.

Vacant places at Newnham: Ger. de Wivar'. Saer de Ferrynges.

ST ANDREW.

Houses: 4 Nuns of St Radegund. Nuns of St Radegund (1). Tho. Godeman. Walt. Bercharius. Alan Scutard. Joh. le Franceys. Reg. de Comberton (1). Joh. Balle.

Vacant places: Tho. Godeman.

TRINITY.

Houses: Marg. Warin. Alice fil. Hug. de Berton. Alice fil. Abr. le Chapeler. Ric. Laurence (1). Ric. Laurence. Rob. fil. Will. Toylet. Mariota de Berton (1½). Sim. fil. Pet. le Corder (2). Joh. le Franceys (1). Hug. de Brunne.

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BARNWELL.

Houses: 3 Prior of Barnwell. 2 Ric. Pet. Galf. Paie. Hen. Mercator. Osb. Carectarius. 4 Hugo Mainer. Hugo Mainer (2). Isab. fil. Will. Paie. Ric. Hastings. Hug. le Noreis. 3 Ric. Jado. Isab. vid. Will. Paie. 2 Rog. de Huntingfeld. Tho. Oliver. Rad. de Winepol. Sarra fil. Tho. le Mazun. Lecia vid. Pet. Stote. 2 Oliver Prat. Will. Theversham. Matild. Jun. Rob. le Neve (4). Isondia Salandin. Matild. Tele. Pet. Ling. Will. de Celer. Joh. fil. Joh. Crul. 2 Joh. Crul. Adam Cementarius. Joh. de Firmar. 2 Ad. Oliver. 2 Ric. Lincke. 3½ Hug. fil. Galf. Fabri. 2 Beatrix vid. Galf. Fabri. Joh. Stokin. Walt. de Bornell. Joh. Tail. 2 Hen. Cardun. Agnes de Firmar'. Eudo Cocus. Laurencius Dixi. ½ Nic. de Firmar. 2 Galf. fil. Tho. Dalt'. 2 Hug. de Brunne. Tho. Stebing. 2 Dionisia vid. Will. de Huntedon. Mich. fil. Dionis. de Huntedon. 2 Joh. Russel. Will. Brodeie. Nic. Albus. Will. Paie. Isab. fil. Joh. de Eia. Galf. fil. Galf. de Burnwell. 2 Jochim Salandin. Walt. Mercator. Aldus Waveloc. 2 Rob. de Theversham. Mich. Carectarius. Rob. le Fulere. Galf. Salandin. Hug. de Nedham. Rad. de Theversham. Joh. Net. 2 Alan le Stabler. Marg. Sped. Joh. le Man. Gilb. Bernard. 2 Oliver le Porter. Galf. de Burnwell. Will. Jado. Eudo fil. Winfr'.

Vacant places: Joh. Crul. Rob. de Theversham.

PARISH UNSPECIFIED.

Houses: 12 Prior of Barnwell. Galf. de Donewitch. Scholars of Merton. 3 University. Hen. Blangernun (1). Tho. de Impiton. Matild. fil. Tho. de Froysselake. Isab. fil. Tho. de Froyslake. 2 Mich. Wulward. Galf. Spertegrave. Ric. Laurence. Ric. Laurence (1½). Rob. fil. Aunger. Sim. de Potton. 6 Hen. de Waddon. Hug. de Brunne.

Vacant places: Hen. de Waddon.

Shops: 3 Rob. fil. Aunger. Hen. de Waddon.

Shops in market: Hospital. Prior of Anglesey. Bar. Gogging.

Houses at Howes: Ric. fil. Sim. Brenhande. Joh. fil. Walter. Rob. Rie. Joh. Attegrene. Walt. de Howes.

§ 63. In many cases a man holds several houses 'in demesne': that is to say, he has no freeholder below him. Barnwell excluded, there seem to be nearly two houses for every house-owner. I infer thence that many houses were let for years or at will. Of tenants for years the record would take no notice. Houses which pay the haw-gavel to the bailiffs are found in all parts of the town. But, leaving this out of account, the freeholder often pays a rent, or several rents, for his house. These rents vary from the nominal rose to sums that look like full rents. I make the average 4*s.* in one parish, 5*s.* in another; but a rent of 20*s.* is not unknown. It is not

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easy, however, to distinguish in all cases the tenurial rent ('rent-service'), whence we might argue to the provenience of the tenement, from the 'rent-charge' constituted in favour of a religious house or of a money-lender. However, it is fairly clear that a considerable number of houses or sites have come to the present 'tenants in demesne' from the members of a few rich families, in particular the Dunnings and Blancgernons, and the St Edmunds family. The Blancgernons were well estated in transpontine Cambridge and in St Clement's parish; Leonius Dunning appears as a rent-receiver in many parts of the town. There has been a great deal of buying and selling, and the net-work of rents is exceedingly complex.

§ 64. In Barnwell matters are simpler than elsewhere. This suburb looks as if it had been recently formed on the lands of a few persons. Almost every house pays rent to the Priory, or to Luke of St Edmunds, or to William de Nonancurt (or Novacurt[1]), or to Philip de Colville a knight of the shire, or to Leonius Dunning who seems to have but lately acquired his interest in this quarter from a certain 'lord of Ressedene.' The rents, though often less than a shilling, are probably substantial rents for small tenements, and do not look like mere recognitions.

§ 65. That there should be about a hundred houses 'in Barnwell' is remarkable. In a statement made early in the seventeenth century of 'the names of every householder and the number of his family in Barnwell,' the total population is set down at 264. In 1749 we hear of but 48 houses in the parish of St Andrew the Less, and of but 79 in 1801. It is possible that the 'Barnwell' of 1279 came closer to the town ditch than St Andrew's parish came at a later day, but much relief can not be found in this supposition. May we not see the Barnwell of Edward I.'s time as what we should call an agricultural village, which is detached from the main town, and has grown up to meet the Priory's demand for labour on the large quantity of arable that it has acquired? In the last of the middle ages there would be nothing strange in the depopulation of such a village or the 'decay' of its houses, and it was too far from the centre of urban life to become urban. However, so

[1] The *Novacurt* of the printed book seems to be a mistake for *Nonacurt*.

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far as I am aware, Barnwell, though sometimes spoken of as *villa* or town, has always been legally a part of 'the town' of Cambridge, and in the thirteenth century it is a 'ward' of the borough.

§ 66. We may now examine the fields as they were in 1279. In the first column of the following table I place the names of the owners ('tenants in demesne'); in the second I try to indicate very briefly what may be learnt about the past history of the tenements, mentioning, when this is possible, the name of the family from which the land has proceeded or which has had some seignory over it[1].

The Fields in 1279.

		A.	R.
Bishop of Ely	A water mill and a meadow		
Prior of Barnwell	Site of Priory	13	0
	Three ploughlands (gavel 57s) apparently comprising the following items:		
	Gift of Earl David, near gate of the Priory	2	0
	Gift of Countess Maud	2	0
	Gift of Dunning, in cispontine fields	50	0
	Gift of Asketel[2]	50	0
	Gift of B. Blangernun (Ely fee) ...	20	0
	Gift of B. Blangernun	72	0
	Purchase of Reg. Cyne, in Bradmere ...	27	0
	Gift of W. Waubert, in Portfield ...	4	0
	Gift of St. Haukston	7	0
	Gift of Johel father of late prior ...	6	0
	Gift of T. Toylet (Blangernun fee) ...	24	0
	Gift of T. Toylet (le Rus)	28	0
	Gift of T. Toylet (Melt)	7	2½
	Gift of T. Toylet (Pistor)		2
	Gift of T. Toylet (Parleben)	3	2
	Gift of T. Toylet (Parleben)	2	0
	Gift of T. Toylet	1	3
	Exchange with Mr Nigel	6	0
	Gift of Roysia fil. Reg. de Marisco ...	2	0
	Gift of Isabella of Needingworth ...	1	0
	Gift of Eustace of Nedham		2
	Gift of Acius Frere (Blangernun fee) ...	6	0

[1] A few crofts of unmeasured extent are omitted. I have included the suburban sites of the religious houses.

[2] R. H. ii. 356: 'ex donacione Alketille.' To mistake *s* for *l* is easy.

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		A.	R.
	Gift of Joh. le Kaleys and Basilia his wife in fields of Cambridge	40	0
	Purchase from Tho. Plote		2
	Purchase from Alex. de Grange ...		3
	Gift of Bart. Gogging	2	0
	Gift of Nicholaa of Hemingford, before Barnwell gate	3	0
	Gift of Geof. of Barnwell in fields of Barnwell	5	0
	Exchange with Geof. Faber		2
	Gift of Hen. Melt (gavel 3d.)	3	0
	Gift of Galf. Melt (gavel 1d)	1	1
	Total for Barnwell 391 A. 3½ R.		
St Radegund	Gift of king Malcolm, site near Greencroft	10	0
	Gift of Nigel bp. of Ely, near preceding	4	0
	Gift of Eustace bp. Ely, near Greencroft	5	0
	Gift of Regin. de Argentan	2	2
	Gift of Ric. fil. Laur. of Littlebury (old descent)	2	2
	Gift of Phil. fil. Ad. of Girton	3	1
	Gift of Hervey fil. Eustace (Dunning) ...	15	0
	Gift of Hug. fil. Aspelon (old descent)	6	0
	Gift of Phil. of Hoketon (old descent)	1	0
	Gift of Marg. Fixien	2	2
	Gift of Margaret widow of Ralph Parson	10	0
	Gift of Jordan fil. Rad. de Brecete (old descent)	4	0
	Gift of Step. fil. Alveva	5	3
	Gift of Maud ux. Sim. Bagge	1	0
	Gift of Joh. fil. William (old descent)	1	2
	Gift of War. Grim	2	0
	Gift of Joh. Grim	1	0
	Total for St Radegund 77 A. 0 R.		
The Hospital	Apparently in all two ploughlands, of which the particulars follow:		
	Gift of Rob. Mortimer; King John; gavel 20s; one ploughland ... ... (say)	120	0
	Gift of Anton chaplain of Stocton (Blangernun)	2	0
	Gift of Baldwin Blangernun	8	0
	Gift of said Baldwin, in Bin Brook ...	1	0
	Gift of Galf. Prat of Ely (Blangernun)	1	2
	Gift of Galf. Prat, below Barnwell ...	1	0
	Gift of Nic. of Hemingford	2	0

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		A.	R.
	Gift of Maur. Ruffus, in said fields ...	15	0
	Gift of Hervey fil. Eustace (Dunning)	1	0
	Gift of Will. Toylet	14	0
	Gift of Mich. Clerk of Huntingdon ...	8	0
	Gift of Eustace fil. Hervey (Dunning)	2	2
	Gift of Pet. fil. Richard, in Newnham	3	0
	Gift of Gilb. Pistor, in Newnham Crofts		2
	Total for Hospital 179 A. 2 R.		
Sturbridge Hospital	Divers gifts	24	2
Prior of Anglesey	Gift of Rob. fil. Rob. Huberd; gavel 11^{d}; in Barnwell Fields	8	0
Scholars of Merton	Purchase, ultimately from Dunnings; gavel 3^{s}. 10^{d}.	45	0
	Purchase, ultimately from Dunnings; Leicester fee[1]	15	0
Prior of Huntingdon	Gift of Ralph of Trubelville and Agnes his wife	60	0
Dominicans	Site of house; divers gifts; about ...	8	0
Franciscans	Site of house; divers gifts; about ...	6	0
Friars of the Sack	Site of house; Ric. of Icklingham and others; about	3	0
Carmelites	Site of house at Newnham; Mic. Malherbe	3	0
Friars of B. Mary	Site of house; H. de Berton; gavel 4^{d}.		
Sabina Huberd	Emma de la Leye; ancestors of Reg. de Grey	16	0
Ralph of Quy	Felicia of Quy; held of Trubelvilles ...	38	0
Leonius Dunning	Half a knight's fee, held of the Mortimers, who hold of the Bruces. But perhaps all of this that lies in Cambridge will be accounted for below		
Will. de Novacurt	Old descent; Chokesfield fee; gavel 13^{s}. 1½^{d}	60	0
Geof. Andre	Bought from Dunnings	2	0
Hen. Blangernun	Barnwell Priory	1	3
	Barnwell Priory; gavel ¼^{d}	2	0
	Longys; gavel ¼^{d}		1
	Karloc; gavel ½^{d}		2
Alan de Hawes	Bought from Dunnings		2
Rob. Wymund	Tuylet; Dunning		1
	St Edmunds family		1
	St Edmunds family		2
	Dunning		2
Joh. Attegrene	Felicia of Quy; Trubelvilles	3	0
	Clai		2

[1] Apparently the same 15 acres are recorded twice, on pp. 360, 391.

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		A.	R.
	Rumbold; Clai		2
	Lungis; Barnwell Priory...		3
Norman le Cupere	Clayere; Lungis		2
John Dunning	Eustace Dunning		2
	le Gire		2
Geof. Spartegrave	Fithion; Radegund; Dunning	12	0
Hen. Faber	Lungis; Barnwell Priory...	2	0
Will. de Standon	Dunning	1	2
Rob. fil. Rob. Seman	Old descent...	11	0
Laur. Seman	Spartegrave; Bernard; Kiriel	1	0
Will. de Howes	Houton	2	2
Ric. Laurence	Barnwell Priory	1	2
	Exchange with St Radegund	2	2
	Stowe	1	0
Ric. fil. Ric. Laurence	St Edmunds family		2
	Dunnings		2
Joh. Porthors	Bought from Dunnings	18	0
Rob. fil. Aunger le Rus	Descent; Blangernuns	42	2
	Descent; Will. de Dagenhale; gavel 11^{d}	22	0
	Barnwell Priory	4	0
	Childman	2	0
Joh. But	Matilda Corde	2	0
Ste. Pistor	Agn. Piscatrix		2
Rob. fil. Will. Toylet	Hen. Toylet; gavel 1½^{d}	1	0
Sabina Huberd	Anglesey Priory	9	0
	Bought from Dunnings	9	0
Tho. Godeman	Mich. Pilet; St Edmunds family ...	4	0
	Mich. Pilet		2
	Hen. le Lindraper; gavel ½^{d}		2
	Porthors; Dunnings	4	0
	Porthors; Barnwell Priory	6	0
Will. Seman	St Edmunds	2	1
	Walt. Em; Joh. Frost	3	2
	Walt. Em; Childman	3	0
	Walt. Em; Ace; in Barnwell Fields ...		2
	Walt. Em; Clay		2
	Walt. Em; Longis; gavel ½^{d}	2	0
	Walt. Em; Porthors	1	0
	Walt. Em; fil. Yvo		3
	Walt. Em; Dunning		2
	Walt. Em; Nado		1
	Walt. Em; Coles	2	0
Giles fil. Joh. de Berton	Will. fil. Yvo; Hynton	1	0
	Fittere; gavel ½^{d}	7	2
	Parleben; gavel 1½^{d}	1	2
	Parleben	1	2

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		A.	R.
	Sim. ad Aquam		1½
	Gilb. Pistor; in Portfield and Littlemore		1
	Aspelon Grim; gavel 1d; in Swinecroft	1	0
	Bought from Dunnings		2
	Various	1	0
	Malherbe; in field towards Barnwell ...	1	2
	Forreward	3	0
Agn. de Berton	Barnwell Priory	7	2
	Bought from Dunnings	3	0
	Ric. fil. Yvo	2	3
	Gilb. Aurifaber; Parleben	1	2
	Bought from Dunnings	1	0
Hen. de Berton	Joh. Frost	7	0
	Bought from Dunnings	1	2
Joh. de Eilesham	Selede; Barnwell Priory	1	0
	Wisman; Wombe; Barnwell Priory ...		3
	W. fil. Yvo; gavel ¼d		1
	St Edmunds family	1	0
	Brithnor; old descent	1	0
	Geof. Doy		2
	Bought of Dunnings	4	0
	Pinecote; old descent	2	0
	Aure; old descent		2
Amb. fil. Joh. Godriche	Rob. Aunger	1	0
Rector of St Edmunds Chapel	St Edmunds family; gavel 4½d ...	12	3
	Joh. le Rus	2	3
	Mortimer	1	0
Luke of St Edmunds	Descent; Pyrot; Argentan; gavel 25s. 10¾d	70	0
Bart. Gogging	Michel; Barnwell Priory	16	0
	Rob. Hubert; old descent	3	0
	Childman; St Edmunds family ...	1	0
	Parleben	1	0
	Porthors	1	0
Ger. de Vivariis	Amb. de Neuham; Hospital		2
Will. fil. H. de Cestretone	Lungis; Barnwell Priory	1	0
Mariota de Berton	Bought from Dunnings	12	0
Pet. fil. Ric. de Berton	Bought from Dunnings	6	0
Giles fil. Ric. de Berton	Bought from Dunnings	6	0
Matil. fil. Ric. de Berton	Bought from Dunnings	6	0
Mariota de Berton	Nic. Morice; Laur. de Brock	1	2
Nic. Morice	Bought from Dunnings	18	0
	Porthors; Dunning	7	0
	Bought from Dunnings	6	0
	Descent from Toylet	6	0

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		A.	R.
	Wombe; ancient descent	2	0
	Blodles	2	0
	Wil. fil. Yvo; Trubelville	2	0
	Gogging	1	0
	Wombe	3	0
	Hynton	4	0
	Parleben; Laur. de Broc	2	0
	Kayli	2	0
	Joh. Potekin; old descent	1	0
	St Edmunds family; Hynton	2	0
Joh. Martyn	Barnwell Priory	5	0
	St Edmunds family; Pyrot	1	0
	Le Hose	1	0
	Toylet; Dunning	3	0
	Bought from Dunnings; in Newnham	1	0
	Toylet; in Newnham	1	0
Cecilia, widow of Pet. de Welles	Childman; Gogging; But	4	0
	Welles	20	0
	Welles; Wombe	1	0
	Welles; Amb. de Neuham	3	0
Rob. Wulward	Gogging; old descent		2
	Attehyl		2
Sim. de Bradele	Warin Ascin (or Astines)	1	2
	Astines	2	0
Ad. fil. Will. Burges	St Edmunds family	1	0
Sim. fil. Sim. ad Aquam	Bought from Dunnings	2	3
	Bought from Dunnings	2	0
	Hinton; old descent		2
	Ampe; gavel $1\frac{1}{2}^{d}$	1	2
	Childman	2	0
	Astines	2	2
	Wisman		2
Ric. de Hockele	Bought from Dunnings	1	0
	Bought from Dunnings	1	3
	Bought from Dunnings		2
Sim. fil. Ric. de Hockele	Porthors; Barnwell Priory	4	3
Rob. and Sim. fil. Ric. de Hockele	St Edmunds family	2	0
Ric. de Hockele	Bought from Dunnings	2	0
Rob. le Steresman	Bought from Dunnings	2	0
Sim. Scan	Bought from Dunnings	1	0
	Malherbe	1	0
	Astines	1	2
	St Edmunds family		1
Rog. de Redelingfeld	Astines: gavel $6^{s}.6^{d}$	26	0

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		A.	R.
Joh. de Berkinke	Bought from Dunnings	1	0
Isab. Morini	W. fil. Yvo	2	1
	Aleyns; gavel 1d; fields of Barnwell ...	1	0
	Morin; gavel ½d		2
Joh. de Westwick	Gogging; fields of Barnwell	1	0
Rog. de Wilburham	Morin; gavel ½d		2
Reg. de Comberton	Crul; fields of Barnwell		3
	Saverei; old descent	1	0
	Barnwell Priory	2	0
Luc. Carectarius	Henges; Barnwell Priory	3	0
Alice sister of Ernisius Mercator	Bought from Dunnings	4	3
Ric. Bateman sen.	Sir Berenger le Moyne	3	0
Marg. Abicon	Dunning; Barnwell fields	3	0
	Descent	1	0
	Descent; gavel 2d	2	0
Will. le Comber	Alsope; old descent; gavel 1d	1	0
Ric. Bateman jun.	Rethe; old descent	1	2
	Blodles; old descent	1	2
	Laurence		2
Walt. le Plomer	Old descent; Dunning	1	0
Rob. fil. Rob. de Madingele	Barnwell Priory; in Binbrook	3	0
	Bought from Dunnings	4	0
	Malherbe	3	0
	Descent; in Binbrook	1	0
	Waubert		3
	Nadon; in Newnham Crofts		1
	le Neve		1
Marg. fil. Rob. de Madingele	St Edmunds family	2	0
Matild. fil. Yfant	le Host; in parish of St John	2	0
	Alsope; Haliday	1	3
	Gogging	1	0
Sim. de Potton	L. de St Edmund	1	0
	L. de St Edmund		3
Geof. le Ferur	Kenewy	1	2
Ric. Wombe	Le Rus	20	0
	Gernemere; gavel 5d	5	0
	Lota; old descent; gavel 1d; 3 selions (say)	1	2
	Seman; old descent; gavel ½d		1
	Pateware	1	0
	A. fil. Eustace	1	2
	le Child	1	2
	de la Fermere	2	0
	A. fil. Eustace	1	0

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		A.	R.
	de Marnis	1	0
	Melt		2
Hen. Toylet	Bought of Dunnings	29	0
	Howes		2
	Wyntebotesham	1	0
	Walt. de Neuham	1	2
	Godeman		3
	Gogging	2	0
	Waubert; 6 selions ... ... (say)	3	0
	Pistor		2
	Childman; gavel 10d	7	2
Sim. fil. Sim. Godeman	Aure; St Edmunds	7	0
	Bought of Dunnings	5	2
	Dunnings; in Swinecroft	2	0
	Burs; le Chapeler; Barnwell Fields ...		2
	Burs; Castelein		3
	Bought of Dunnings		1½
Avice fil. Sim. Godeman	Aure; Haukeston; le Rus	6	3
	Porthors	2	0
	W. fil. Yvo	1	2
	Longis		2
Alice fil. Sim. Godeman	Porthors	8	2
	W. fil. Yvo	2	2
Joh. de Fulton	St Edmunds family	6	0
Joh. fil. Will. Waubert	Descent; in Newnham	1	0
Ric. Crocheman	Wombe; Barnwell Priory	1	0
Ric. Pet.[1]	Priory		2
	St Edmunds	3	0
	St Edmunds		2
	Dunning	3	0
Geof. Paie	Priory	1	2
	Priory		1
	Deresle		2
	Doi; old descent	1	0
	St Edmunds	1	0
	St Edmunds		2
Hugh le Noreis	St Edmunds	1	0
	St Edmunds		1
	Novacurt		2
	Priory	1	1
Ric. Jado	St Edmunds	1	2
Isabella Paie	St Edmunds	1	0
	Novacurt; Earl of Huntingdon	2	2
	Priory		2

[1] The following lands are 'in Barnwell.'

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		A.	R.
	Priory		2
	Priory		2
Tho. Oliver	Dunning		1
Oliver Prat	St Edmunds		2
Will. Theversham	Colville		2
Isondia Salandin	St Edmunds		2
Matil. Tele	Novacurt		2
	Priory	1	1
	St Edmunds		2
Will. de Celario	St Edmunds	1	0
	Novacurt		2
	Astines		2
	St Edmunds		2
Joh. fil. Joh. Crul	St Edmunds		2
Joh. Crul	St Edmunds		2
	St Edmunds		2
Joh. de Firmar'	Astines		2
	Dunning; Ressedene		2
Ad. Oliver	St Edmunds		2
Ric. Lincke	Dunning; Ressedene		3
Hug. fil. Galf. Fabri	Priory		2
	St Edmunds; half a virgate ... (say)	15	0
	Priory	1	0
	Colville		1
	Dunning		1
	St Edmunds		2
Eudo Cocus	St Edmunds		2
Nic. de Firmar'	Priory		2
	Dunning		1
	St Edmunds		3
	St Edmunds		2
			0½
	St Edmunds	1	1
			1
Galf. fil. Tho. Dalt	St Edmunds	4	0
	Priory	1	0
	Priory		2
	Novacurt	1	0
	Novacurt		2
	Novacurt		2
Hug. de Brunne	St Edmunds	1	0
	St Edmunds	1	0
	Colville		2
	Wombe		2
	John Doe		2
	Priory		2

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		A.	R.
Tho. Miet	St Edmunds	1	0
Dionisia widow of W. de Huntedon	Novacurt	3	0
	Priory	2	0
	Priory	1	0
	le Rus	1	2
	St Edmunds		2
	St Edmunds	3	2
Joh. Russel	Priory		2
	Priory	1	0
	Dunning	2	0
	Dunning	3	0
	Astines	1	2
Rob. de Theversham	St Edmunds	1	0
	le Wimur		2
	St Edmunds		2
	Melt		2
	Dunning		1½
Rob. le Fulere	St Edmunds		2
Geof. Salandin	Dunning; Roscedene		3
	St Edmunds		2
Rad. de Theversham	St Edmunds	1	0
	St Edmunds		2
	St Edmunds		2
	St Edmunds		2
Joh. Net	St Edmunds	1	0
Al. Stabler	St Edmunds		1
	Madingley		1
Marg. Sped	St Edmunds	1	2
	St Edmunds		2
Gilb. Bernard	Novacurt	3	0
	Cokerel; gavel 1d	1	0
	Malherbe; gavel ½d	2	0
	Salandin		2
	Dunning	2	0
	Brodie	4	0
	King	1	0
	Dunning	1	2
	St Edmunds		2
	St Edmunds		1
	Melkeston	1	0
	Astines	1	2
	Novacurt		2
Oliver le Porter	St Edmunds		1
	Colville		2
Galf. de Barnwell	Colville; Priory	4	0
		Total 1783	3½

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§ 67. The quantity of land thus accounted for falls short by several hundred acres of the amount described in the terriers of the fourteenth century. The suggestion is ready that between the two dates there was 'assartation' on a grand scale: in other words, that a large part of the green commons was ploughed and appropriated. This guess, however, would not be easily acceptable. In the first place, I think that, had there been a great extension of the appropriated land, the outcry that it would have occasioned would still be plainly audible. In Edward I.'s day and again in Richard II.'s the townsfolk were, as we shall see hereafter, protesting against an inclosure made by or for the Canons of Barnwell far back in the twelfth century. Secondly, the terriers in every portion of the area that they describe reveal an intermixture of strips so complex and disorderly that we can not easily believe it to be the work of modern times. It seems to me therefore that we must accuse the Hundred Rolls of omission. I doubt they have given enough to the religious houses. According to them, the Canons of Barnwell would have about 390 acres of arable. An almost contemporary estimate which comes from the Priory gives them 780 acres in the Eastern Fields[1], and the annalist of the house tells of certain handsome gifts (for example, 140 acres proceeding from Osbert the Doomsman) which are not mentioned on the rolls.

§ 68. Thus the hope of quantitative analysis fades away, as is commonly the case in the middle ages, and we must be content with quality and tendencies. And first let us look at the men who in 1279 are holding strips in the fields as 'tenants in demesne.' There are about 21 tenants with more than 10 acres. We will see who some of them are.

John of Eilesham with 9 houses near Peterhouse and 11 acres was a bailiff of the town; he seems to have made a rich marriage.

Simon son of Simon Atwater (*ad Aquam*) with 3 houses and 11 acres was, or his father was, a bailiff of the town.

Robert son of Robert of Madingley has 3 houses and 12 acres. He was a bailiff of the town; Thomas of Madingley was one of its first representatives in parliament.

John Martyn has 4 houses and 12 acres. John Martyn was many times mayor.

[1] See above, p. 108. But the terriers show that this was an exaggeration.

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Simon Godeman and his sisters have 3 houses and 37 acres. Simon Godeman was bailiff.

William Seman has 7 houses, a shop, a granary and 17 acres. He was bailiff.

Bartholomew Gogging has 5 houses, a booth and 22 acres. He was mayor.

John Porthors, the son of John of Barton, has 3 houses, rents from many others, 18 acres in the fields of Cambridge, and 34 acres in the fields of Chesterton. He was bailiff.

Nicholas Morice has 4 houses, 3 shops, 58 acres. A little later there are many land-holding, office-holding Morices in the borough.

Henry Toylet has 3 houses, a grange, a granary, 44 acres. He serves as bailiff and is a member of a family which has made considerable gifts to the churches and will long hold land and offices[1].

I have no wish to make the agricultural element in the Cambridge of Edward I.'s day too prominent. John But, who is often mayor, seems to have only two acres in the fields. But can we be sure that he is not the John But who has 20 acres at Swaffham[2]?

§ 69. What may seem a dreary list of names and numbers has here been printed in order to illustrate a rapid traffic in parcels of land. The man who has in all but a dozen acres will hold them by half-a-dozen different titles. Each generation tries to accommodate itself to the clumsy environment provided for it by remote and barbarous ancestors. A man succeeds in getting a few adjacent strips; but his little territory is soon broken up again among his children or dissipated by pious gifts. Descent to females is common, and girls often have acre-strips for their marriage portions. There is no lord who can insist that virgates are integers.

§ 70. These freeholders pay rents; sometimes to each other, sometimes to those who live outside the borough. The rents, however, are light: a rose or a gillyflower, a penny or two pence per acre. The rack-rent of an acre, if we may judge from neighbouring villages, would not have been less than eighteen pence, two shillings or yet more, and in one case the Prior of Barnwell is getting two shillings for an acre in our fields[3]. To the rent-receivers we shall return hereafter.

[1] The name appears in a great variety of forms Toylet, Tuilet, Tuliet, Tulieth etc.

[2] R. H. ii. 494.

[3] R. H. ii. 397. In the Barnwell Liber Memor. f. 87 b is a valuation of some land in Chesterton that belonged to Richard Laurence and Roger of Wethersfield who

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§ 71. The task that I have described[1] as that of scraping off the religious houses from the map should be accomplished. We may doubt whether in the year 1100 any church was interested in the Cambridge Fields, except perhaps the church of Ely; and the abbots and bishops of Ely seem to have strangely neglected the growing importance of the county town.

§ 72. That the Brethren of the Hospital, the Canons of Barnwell and the Nuns of St Radegund obtained the bulk of their Cambridge lands from the *burgenses* is I think fairly plain.

Touching the foundation of St John's Hospital we have two accounts both given by juries in Edward I.'s day. That which stands upon the Hundred Roll is well known[2]. A certain burgess of Cambridge, Henry Frost by name, gave to the township of Cambridge a certain plot of land for the construction of a hospital for the use of the poor and infirm; and the presentation of a master used, and of right ought, to belong to the burgesses. The other verdict is a little older, it was given in an action between Eleanor the Queen Dowager and the Bishop of Ely. The jurors found that the site of the Hospital was once a very poor, waste place of the community of the town, and that Henry Eldcorn of the said town by the assent of the community built there a very poor cottage to lodge the poor, and afterwards obtained from Bishop Eustace, the diocesan (A.D. 1197–1215), an oratory and burying ground for the use of the poor, which oratory and burying ground were of (*i.e.* belonged to) the said community; and the said Eustace conferred on the said place the church of Horningsea; and by the consent of the said community the said bishop thenceforth continued patron of that place; but, owing to the lapse of time, the jurors could not say whether this happened in the reign of Richard or in that of John[3].

§ 73. I believe that the disputes about this matter illustrate the difficulty men found in conceiving a large group as a legal

have been convicted of felony. The arable acre is valued at 1*s.* 6*d.* per annum or 20*s.* for sale; the acre of meadow at 2*s.* per annum or 24*s.* for sale. I am afraid that Roger was a bailiff of Cambridge; he was hanged.

[1] See above p. 60. [2] Rot. Hund. ii. 359.

[3] Inquest taken at Royston on the morrow of St James the Apostle, 3 Edw. I. I take this from a Report of a Committee of the Town Council of Cambridge on the Borough-Rate, 3 Oct. 1850, the work, it is believed, of Mr C. H. Cooper. This valuable report gives no references, but Cooper's work is trustworthy.

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unit capable of exercising such a right as ecclesiastical patronage. The 'community' builds a hospital on 'common' land; therefore the patronage of it belongs to the king, or (since Cambridge is a dower town) to the queen dowager; or, if it belongs to 'the men of Cambridge,' this is so, because they farm the king's rights, and in so doing have struggled into corporateness. I should not be surprised if both kings and bishops obtained a good deal of ecclesiastical patronage in this way, for it seems to me that in the lordless villages of eastern England the parish church must often have been a 'subscription church,' the outcome of some communal effort of the villagers[1]. But could 'they' be patrons? They were too many.

§ 74. With the exception of a carucate obtained from Robert Mortimer, who had it from King John—it may have been an escheat—I can not see that the Hospital has received any large gifts in the fields of Cambridge. Its benefactors bear the names of Dunning, Hemingford, Blancgernon, Tuliet. The advowson of St Peter beyond Trumpington Gate it has obtained from Henry son of Sigar. Then again, the recorded gifts that are made to the Nuns are not large; one of the Dunnings has given 15 acres, Hugh son of Absalom 6, the Grims 3, Margaret widow of Ralph Parson 10, and so forth. And it is so with Barnwell. Great people, Picots, Peverels and Pecchés may start the house; but the strips in the fields come from Dunnings, Blancgernons, Cayleys.

§ 75. The annalist of the Priory, after saying that the Canons have some 780 acres in the Eastern Fields, proceeds thus[2]:—'And of these lands a certain knight in the retinue of Pain Peverel, Albert Chivet by name, gave the land which William of Writele sometime held of the said Pain within the borough and without to the amount of 60 acres. And to increase the gift he gave the furlong (*cultura*) which lies before the gate of the Canons free and quit of secular service in perpetual alms.' Then he tells how Prior Hugh gave 140 acres in the fields of Cambridge which once belonged to his father, Osbert Domesman[3]. Next he speaks of a gift of 3 acres proceeding from Dame Nichole heiress of Sir William of Hemingford. Then of 2 acres given

[1] Domesday Book and Beyond, p. 144.
[2] Lib. Memor. f. 35 b.
[3] Cf. Lib. Memor. f. 22 b.

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by the Countess Maud which he places close to St Giles's church. 'And many other lands the Prior and Canons hold in the fields of Cambridge and Barnwell, some by purchase, some by gift, the particulars whereof it would be long to relate.' That is all: the little gifts of great ladies are remembered, but the 780 acres were not obtained from the great. Thomas Tuliet gave 60 acres; his heirs unsuccessfully disputed the gift[1]. John le Caleys and Basilia his wife gave 40 acres; a Blancgernon gave 72. The man whose one name was Asketel gave 50; the man whose one name was Dunning 50.

§ 76. As we go backward towards the twelfth century the gifts grow somewhat larger and the bundles of strips that are given begin to look like aliquot parts of hides. We seem to see the old hides and yardlands reconstituting themselves, and at the same time we are among the men who buy the first burghal charters from the king and desire to farm the borough. Who are they; what like are they? A little may be learnt.

§ 77. In the fourteenth century we see the White Canons of Sempringham with numerous strips, which after the dissolution of the monasteries were bought by the corporation of the town. These Canons had a chapel in the town; it was dedicated to St Edmund. They were brought to Cambridge by a family which took its name from that chapel[2]. In 1279 the head of the family was Luke of St Edmund, who was the son of Walter of St Edmund, who is also called Walter 'at St Edmund's church[3].' Luke was a rich man; he had 70 acres in demesne, and a great many tenements in Barnwell were held of him. His was one of the 'first families' of the town. It was connected with the sons of Absalom (Aspelon) who were connected with the Blancgernons[4].

§ 78. When 'the commons' rebelled in 1381, a mob attacked the house of Roger son of Richard Blankgren[5]. Our terriers tell of John Blangron a skinner. The name expands as we go backwards. The Blancgernons are rich and pious. There was a Baldwin Blancgernon with many strips to give and to sell.

[1] Lib. Memor. ff. 35, 42 b.
[2] Rolls of Parliament, i. 65 b; Cooper, Annals, i. 62.
[3] R. H. ii. 397.
[4] Jesus Charters, M. 2. 3, L. 2 (Mr Gray's notes).
[5] Powell, Rising in East Anglia, 50.

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The name is a nick-name. Baldwin or some ancestor of his had a white moustache[1].

§ 79. Greatest of all were the Dūnnings. I write the name thus at Mr Stevenson's instigation[2], and mean that it should be pronounced as Dooning. Stranger things have happened than that the founder of Downing College should be of this race. In 1279 it is divided into two branches. One is represented by Leonius or Leoninus son of Adam, who holds a great deal of land 'in demesne and in service.' He is said to hold half a knight's fee of the Mortimers, who hold of the Bruces[3]. He kept a court at Newnham for his tenants. The other branch we can trace far back. A man who had no name but Dunning begat Eustace, who begat Hervey, who begat Eustace and Thomas. Eustace the younger begat Richard, and Thomas begat John who was living at Cambridge in 1279. But the greater part of the property of this branch had been sold by Eustace fitz Hervey fitz Eustace fitz Dunning: some, but by no means all of it, including 'the School of Pythagoras,' to Master Guy of Castle Barnard, whose heir, William de Mannefield, sold to Walter of Merton[4]. It appears from several deeds copied in the Cartulary of St John's Hospital that Hervey had a brother called Adam fitz Eustace, so apparently the two branches go back to Eustace the son of Dunning.

As regards the sale to Merton, I leave that part of the story to be told by some member of the college in whose admirably arranged archives there are numerous deeds relating to this matter. But I will mention three documents at the Record Office, in order that they may not be forgotten[5].

By a fine levied on the 6th of October 1271 between Master Peter, Custodian of the House of Scholars of Merton, and Richard Dunnynge, Richard conveyed to the Mertonians a rent

[1] Godefroy gives *grenon, grenun, guernon, gernon, gernun,...moustache, favoris.*

[2] Gloucester Corporation Records, p. xv. [3] R. H. ii. 390.

[4] See Kilner, School of Pythagoras. Mr Atkinson, Cambridge Described, 79, says of the house: 'It dates from the latter part of the twelfth century.'

[5] A great deal of information touching the Merton deeds was given by Kilner, author of the curious book about Pythagoras's School, to Cole the Cambridge antiquary, and will be found in Brit. Mus. MS. Addit. 5832 f. 72. The courtesy of the bursar of Merton College allowed me to see the original documents; but I did not examine them closely. A history of this most interesting manor could only be written by one of 'the Clerks of Merton.'

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arising from certain land in Over, and further remised and quit-claimed 'all the right and claim that he had in the five acres of land and sixty shillingsworth of rent and the messuage where a stone house is situate (*et mesuagio ubi domus lapidea sita est*) with the appurtenances in Cambridge which Eustachius Dunnyng father of the said Richard sometime held[1].'

By another fine levied on the 25th of November 1276 William de Manyfelde conveyed (by *conusance de droit*) to the Custodian, Scholars and Brethren of the House of Scholars of Merton a hundred acres of land and fourteen shillingsworth of rent with the appurtenances in Cambridge and Chesterton, and in return received the sum of £100[2].

By another fine levied on the 3rd of February 1279 between Richard of Hedensouere and Joan his wife demandants and Master Peter of Abingdon, Custodian of the House of Scholars and Brethren of Merton tenants, Richard and his wife remised and quit-claimed all the right which Joan had claimed as widow and doweress of Richard Duninge in one-third of one messuage and of seven score acres of land and of six poundsworth and ten shillingsworth of rent and of a rent of twenty capons in Cambridge, Barnwell, Chesterton, Girton and Howes. In return Richard and Joan received ten marks of silver[3].

These fines were, I take it, supplemental to the main conveyances which are at Merton. When the story is fully told, it will, I believe, show that Eustace the son of Hervey fell into debt and mortgages.

§ 80. His father, Hervey the son of Eustace, kept a seal which bore on it a mounted knight with drawn sword[4]. In John's reign he was frequently 'levying fines' in the king's court. Within a few years he was thus concerned with 50 acres in the fields of Cambridge and Newnham, 5½ acres at Creton (Girton?), 3 messuages in Cambridge, other 3, a messuage and 9 acres in Cambridge, 3½ virgates at Cheveley, and a hide at Gamlingay[5]. In the Johnian cartulary he appears as *Herveus*

[1] Record Office, Feet of Fines, Cambridgeshire, 55 Hen. III., $\frac{8}{12}$.
[2] Record Office, Feet of Fines, Cambridgeshire, 5 Edw. I., No. 9.
[3] Record Office, Feet of Fines, Cambridgeshire, 7 Edw. I., No. 3.
[4] This I learned from Mr Gray's notes of the Jesus Charters: Q. 22.
[5] Fines, ed. Hunter, i. 259—338.

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Althermannus and as *Herveus Maior*[1]. If he was Cambridge's first mayor, and I know none older, then Cambridge's first mayor held a great deal of land and seems to have been of knightly rank[2].

§ 81. Incidentally I may remark that the fluidity of surnames makes it difficult for us to account for that family called 'of Cambridge' which owns many strips in the fourteenth century and plays a large part in the foundation of the College of Corpus Christi. There is John of Cambridge[3], Justice of the Common Bench, with a fine stone house in the town[4]. Earlier there is Thomas of Cambridge, Baron of the Exchequer. Already in 1295 a John of Cambridge represents the borough in parliament. But, though I can not find the family on the Hundred Roll of 1279, it is probably there[5]. The surname 'of Cambridge' was not acquired inside Cambridge. A young man leaves his native town, goes to Westminster, makes a fortune at the bar, is known to his fellows in London as John of Cambridge, and comes back a wealthy man with a new name which adheres to his family. It does not seem impossible that these Cambridges are of the race of Dunning.

§ 82. Eustace son of Hervey and Leonius son of Adam have sold so many houses and acres, that at first we might be inclined to claim for the Dunning family some exceptional position in, or even some sort of lordship over the town. But, though it is obvious that they were wealthy, I think we can only give them a primacy among equals. There are other good estates, that of the Blancgernons for example, and the hide or more of Osbert the Domesman; and, after all, we have but 3000 acres on our

[1] Gift by Maurice Ruffus of land in the parish of All Saints, Hiis testibus, Baldewino Blancgernun, Herveo Althermanno, Roberto Seman, Fulcone Crocheman. Gift of four acres by Hugh son of Stephen, Hiis testibus, Baldewino Blancgernun, Domino Herveo Maiore, Ada fratre suo, Roberto Seman, Ricardo filio Laurentii, Willelmo de Sancto Eadmundo, Thoma filio Joachim. Hitherto the earliest mention of a mayor has been found in a writ of 1235: Cooper, Annals, i. 43; Atkinson and Clark, Cambridge, 19.

[2] He was living as late as 16 Hen. III. (1231—2): Cambridge Fines (Antiq. Soc.) 16. His son Eustace was living in 41 Hen. III. (1256—7): Ibid. 36. Adam Dunning was living in 24 Hen. III. (1239—40): Ibid. 22.

[3] Dict. Nat. Biog.; Josselin, Historiola, 4, 11; Masters, Hist. Corpus Christi, p. 8.

[4] Willis and Clark, i. 158—160.

[5] Rot. Hund. ii. 371: a house is bought of *Matilda fil. Joh. Cant. clerici*. Possibly this is to the point. See also Cambridge Fines (Antiq. Soc.) pp. 68, 71.

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hands. When we see how much Eustace sells (sells 'out-and-out' without reservation of a rent), the guess is permissible that much may have come to him by recent purchases. And at any rate we see these Dunnings mixing in the borough court with the other men of the borough[1]. Leonius Dunning married Matilda daughter of Robert of St Edmund[2]. No hard line should be drawn between these 'law-men,' 'dooms-men,' 'aldermen' of a great borough and the county families[3].

§ 83. These large possessions within the limits of the borough raise the question whether we ought to think of a land-owning patriciate, a cluster of burgensic *Geschlechter* who own the hides and rule the town. I have therefore made some search for the accounts of early taxes and the like. The following account of a tallage is taken from the Pipe Roll of 3 Hen. III. (1219)[4].

§ 84. *Tallage of Cambridge*, 1219.

	£.	s.	d.		£.	s.	d.
Hildebrand Punch (*b*)		13	8	Alex. le Fittere (*b*)		11	0
Adam Wantarius (*b*)	1	2	0	Elyas fil. Osberti (*b*)		7	10
Will. Doi (*b*)		12	8	Ric. le Gelmier (*b*)	1	9	0
Will. fil. Eadwardi (*b*)		11	0	Galf. fr. Yvonis (*b*)		7	4
Rad. Wambe (*b*)	1	8	4	Mich. fil. Ordgari (*b*)	1	6	8
Joh. fil. Selide (*b*)	1	5	8	Hen. fil. Elye (*b*)	1	0	0
Greg. fil. Hugonis (*b*)		12	8	Yvo fil. Absalonis (*b*)	3	6	0
Yvo Macecrem (*b*)		13	2	Regin. Scortecnicht (*b*)		11	0
Ric. Guthier	1	14	0	Reg. fil. Aluredi (*b*)	2	13	4
Richemannus (*b*)		7	4	Galf. Clait (*b*)		15	0
Ric. de Porta (*b*)	5	6	8	Hugo Piscator		11	0
Simon Bagge (*b*)	2	16	8	Rad. fil. Galfridi (*b*)	1	3	0
Rog. Doy (*b*)		6	10	Galf. Wulfward (*b*)		7	10
Adam le Teler (*b*)	1	3	6	Childman (*b*)		14	4
Kailly Tannator (*b*)	2	13	4	Ketellus Mercator (*b*)		13	0
Will. de Seltford (*b*)	1	1	4	Will. Hitti (*b*)		6	4
Osb. le Combere (*b*)		6	4	Aldredus gener Ketelli (*b*)		13	0

[1] For example, Lib. Memor. f. 43 b: Thomas Toylet's charter for Barnwell is witnessed by William de Stowe, Roger de Wykes mayor of Cambridge, Robert of St Edmund, Eustace Dunning, Leonius Dunning, William Tele, John of Toft. There are many other instances in the Johnian cartulary.

[2] R. H. ii. 364. [3] Stubbs, Const. Hist. i. 675.

[4] A copy was made for me by Miss Salisbury; but she is not responsible for the expanded form of the names. I set the letter (*b*) against those names which will recur in the list of 1211.

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	£.	s.	d.
Warinus fil. Normanni (*b*)		11	0
Frere (*b*)	1	7	4
Herveus fil. Eustachii (*b*)	2	0	0
Galf. Hareng (*b*)		10	4
Rinerius de Winebod[e-sham] (*b*)		11	0
Ric. fil. Ricardi (*b*)		13	8
Hen. Vivien (*b*)		11	0
Ric. Wulfward (*b*)	2	3	4
Tho. Pupelotus (*b*)		11	6
Joh. fil. Helene (*b*)		7	4
Rob. le Wanter (*b*)		6	10
Joh. Crocheman (*b*)	1	18	8
Jord. Nicker (*b*)	1	12	4
Bened. Feltrarius (*b*)		6	10
Edw. fil. Edwardi (*b*)	2	16	8
Sim. le Taillur (*b*)		12	8
Rad. Prutfot (*b*)	2	16	0
Sim. Niger (*b*)	1	2	4
Reg. de Fordham (*b*)		10	0
Fulco Crocheman (*b*)	2	15	0
Bern. fil. Eadrici (*b*)		6	8
Joh. Lane (*b*)		12	8
Herv. fil. Selede (*b*)	1	7	0
Will. Wulsi (*b*)	1	8	0
Will. Macecrem (*b*)	2	13	4
Walt. Sissard (*b*)		11	0
Hen. Telarius (*b*)		7	4
Ric. Gibelot (*b*)	1	14	0
Herv. Gogging (*b*)		8	4
Reg. de Abbinton (*b*)	1	3	0
Tho. Doi (*b*)		14	8
Ric. le Peminer (?) (*b*)		6	10
Walt. fil. Escolice (*b*)		11	0
Ric. de Bernewelle (*b*)	3	16	8
Godric. de Haure (*b*)		9	4
Sim. fil. Godrici (*b*)	1	4	8
Sumer (*b*)		7	4
Reg. Godscho (*b*)	2	10	8
Yvo fil. Matilldis (*b*)		10	4
Walt. Eare (*b*)	1	4	0
Hugo de Kertlinge (*b*)		6	4
Will. Billing (*b*)	1	18	8
Joh. de Estfliet (*b*)	1	10	0
Bart. Tannator	3	6	8
Walt. fil. Anketilli		12	0
Ric. Curtesius (*b*)	1	4	8
Gilleb. Curtesius (*b*)		15	0
Ric. Bulling (*b*)		7	4
Will. Prest (*b*)		7	10
Pet. Criket (*b*)		6	4
Rad. Pirle (*b*)		7	10
Adam Weriel (*b*)		6	4
Joh. Faber (*b*)		11	0
Bald. Blancgernun (*b*)	2	0	0
Rob. Custance (*b*)		11	0
Rob. Vivien (*b*)	2	6	0
Walt. Blundus (*b*)		14	8
Ric. de Storteford (*b*)	1	2	0

§ 85. Names are so purely personal that it is difficult to connect this list with the Hundred Roll. Still I think it fairly plain that the affairs of the borough of Cambridge can not in 1219 have been solely or even chiefly in the hands of those men who held most land within the vill. Hervey Fitz Eustace (Dunning) and Baldwin Blancgernon are two strong representatives of the landed interest. But, when it comes to a taxation of chattels, they both escape with a contribution of £2; and fourteen people are taxed more heavily. The richest men in the town appear to be Richard at the Gate, Richard of Barnwell and Bartholomew the Tanner, and they are men who leave but little mark upon the titles to lands and houses.

§ 86. We can now go back for another eight years. On

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the Pipe Roll of 13 John we find *Amerciamenta hominum de Cantebrige*. Three years afterwards the same set of impositions is entitled *Taillagium villate de Cantebrige*, and I think that we have to deal rather with a tallage than with amercements. The list on the roll of 13 John is as follows[1].

Amercements of Cambridge, 1211.

	£.	s.	d.
Hildebrand Punc (*a*)	1	6	8
Ad. le Wanter (*a*)		13	4
Joh. fil. Alueue [? Elene] (*a*)		13	4
Rob. le Wanter (*a*)		13	4
Joh. Crocheman (*a*)	3	6	8
Jord. Niker (*a*)	2	0	0
Rad. le Feutrer		13	4
Rob. Faber	2	0	0
Will. Doi (*a*)	1	6	8
Bened. Feutrer (*a*)		13	4
Edw. fil. Edwardi (*a*)	5	0	0
Will. fil. Edwardi (*a*)	1	0	0
Sim. le Tailur (*a*)	1	6	8
Apsilon fil. Segar		13	4
Rad. Prudfot (*a*)	5	0	0
Sim. Niger (*a*)	2	0	0
Regin. de Fordeham (*a*)	1	0	0
Fulco Crocheman (*a*)	5	0	0
Rad. Wambe (*a*)	2	13	4
Yvo Pipestrau		13	4
Joh. fil. Selede (*a*)	2	6	8
Bernard fil. Edrici (*a*)	2	0	0
Joh. Lane (*a*)	1	6	8
Herv. fil. Selede (*a*)	2	13	4
Will. Wulsi (*a*)	2	13	4
Galf. fil. Roberti	1	0	0
Will. Macecren (*a*)	5	0	0
Greg. fil. Hugonis (*a*)	1	6	8
Yvo Macecren (*a*)	1	6	8
Ric. Gudred	3	0	0
Serlo Wanter		13	4
Walt. Sissard (*a*)	1	0	0
Alan. Telarius		13	4
Richeman (*a*)		13	4
Hen. Telarius (*a*)		13	4
Ric. Gibelot (*a*)	3	0	0
Herv. Gogginor (*a*)	2	0	0
Ric. ad Portam (*a*)	10	0	0
Regin. de Abitone (*a*)	2	0	0
Uxor Reginaldi	2	0	0
Sim. Bagge (*a*)	5	0	0
Tom. Doi (*a*)	1	6	8
Selede Pinberd	2	0	0
Rog. Doy (*a*)		13	4
Ad. le Teler (*a*)	2	0	0
Ric. le Peiner (*a*)		13	4
Joh. nepos Hugonis	1	13	4
Kaili Tanur (*a*)	5	0	0
Will. de Selford (*a*)	2	0	0
Osb. le Combere (*a*)		13	4
Alex. Futere (*a*)	1	0	0
Elyas fil. Osberti (*a*)		13	4
Ric. le Gelmer (*a*)	2	13	4
Walt. fil. Colic' [Escolice] (*a*)	1	0	0
Ric. de Bernewelle (*a*)	10	0	0
Algar de Welle	1	6	8
Walt. fil. Absalon	2	13	4
Galf. fil. Yvonis (*a*)		13	4
Mat. fil. Galfridi		13	4
Godricus le Haur' (*a*)	1	0	0
Sim. fil. eius (*a*)	1	6	8
Sumer (*a*)		13	4
Mich. fil. Orgar (*a*)	2	13	4
Regin. Godso (*a*)	5	0	0
Yvo fil. Matildis (*a*)	1	0	0
Walt. Ere (*a*)	2	0	0
Mart. Wulward	4	0	0
Rad. frat. Yvonis		13	4

[1] Pipe Roll, 13 Joh. m. 8. I set the letter (*a*) against those names which occurred on the roll of 1219.

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	£.	s.	d.		£.	s.	d.
Hen. fil. Elye (*a*)	2	0	0	Aldredus gener Ketel (*a*)	1	13	4
Yvo fil. Absalon (*a*)	5	0	0	War. fil. Normanni (*a*)	1	0	0
Regin. Mulloc		13	4	Frere (*a*)	2	13	4
Hug. de Kertlinge (*a*)		13	4	Rog. Blund		13	4
Will. Billing (*a*)	3	6	8	Will. Sciper	2	0	0
Regin. Sorteknit (*a*)	1	0	0	Will. Pandevant	1	0	0
Joh. de Estflet (*a*)	3	6	8	Bald. Blangernun (*a*)	6	13	4
Regin. fil. Alurdi (*a*)	5	6	8	Herv. fil. Eustachii (*a*)	3	6	8
Brithnod Tanur	6	13	4	Rob. Seman		13	4
Galf. Clait (*b*)	1	6	8	Galf. Hareng (*a*)	1	0	0
War. fil. Anketil	1	0	0	Reiner de Winebod (*a*)	1	0	0
Ric. Curteis (*a*)	1	6	8	Rob. Curtance (*a*)	1	0	0
Gileb. Curteis (*a*)	1	6	8	Ric. Pottere	1	0	0
Hub. Piscator	1	0	0	Rob. Vivien (*a*)	4	0	0
Rad. fil. Galfridi (*a*)	2	0	0	Ric. fil. Ricardi (*a*)	1	6	8
Ric. Billing (*a*)		13	4	Hen. Vivien (*a*)	1	0	0
Will. Prest (*a*)		13	4	Ric. Wulwarde (*a*)	4	0	0
Pet. Criket (*a*)		13	4	Walt. Blundus (*a*)	1	6	8
Rad. Pirle (*a*)		13	4	Tom. Pupelot (*a*)	1	0	0
Galf. Wulward (*a*)		13	4	Will. Hitti (*a*)		13	4
Childman (*a*)	1	6	8	Godef. Pie		13	4
Ad. Werial (*a*)		13	4	Absalon de Neweham		13	4
Galf. Sibert		13	4	Ric. Storteford (?) (*a*)	2	0	0
Joh. Faber (*a*)	1	0	0	Rob. Cocus	1	0	0
Ketel Mercator (*a*)	1	6	8	Ketel Gag		13	4
Absalon Frost	1	0	0				

§ 87. These two lists are so much alike[1] that we may trust them to be giving us the names of all or nearly all those 'men of Cambridge' who can be directly taxed, and these will be the men who buy charters and obtain a grant of 'the town.' There are somewhat more than a hundred in a town which has four or five hundred houses. There are great differences of wealth among them; one will pay fifteen times as much as another. Once more we see that the Dunning and the Blancgernon are not very highly rated. The taxation is heavy. In 1211 no one is charged with less than a mark. The usual rate of scutage is at this time two marks on the knight's fee; but scutages are more frequent than tallages.

§ 88. Finally, I will print a list taken from the Pipe Roll of 1177 (23 Hen. II.) which apparently gives the amercements

[1] There is a curious relationship between the two. A batch of names in the same sequence will occur in both. It looks to me as if some arrangement by streets or wards lay behind both lists.

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inflicted upon men of Cambridge and its shire for some offence connected with the exportation or importation of corn. They are punished *quia duxerunt bladum per aquam sine licentia* [*contra prohibitionem*] *iusticiar*[*ii*]; perhaps they have infringed some prohibition issued during the recent rebellion.

Amercements of 1177[1].

	£.	s.	d.
Hildebrandus de Cantebrige[2]	2	0	0
Joh. de Lencia		6	8
Rob. fil. Archetilli		6	8
Adricus de Len	3	6	8
Eustach. fil. Bernardi	1	6	8
Godland et Rad. frat. eius		6	8
Absalon et Walt. frat. eius	1	13	4
Ric. de Dittone		6	8
Regin. de Moneia		6	8
Turketell de Ponte		6	8
Osb. Crane		6	8
Aluricus Huchepain		6	8
Rob. de Niweport		6	8
Osgot frat. Alfgari		6	8
Will. le Brun	1	0	0
Will. Lof		6	8
Rob. fil. Selid'		6	8
Everard. de Powis		6	8
Tiedricus		6	8
Aelizia de Cestretone	6	13	4
Alanus le Bret	1	0	0
Will. de Froisselake		6	8
Rad. Wastel, Steph. Nichtwat		13	4
Albric Ruffus		13	4
Galf. Murdac		6	8
Serlo Sellarius		6	8
Lefwin. frat. Serlonis		6	8
Will. Stramare, Serlo frat. eius		13	4
Absalon Strammare	1	6	8
Walt. Ære		6	8
Galf. Soutland		6	8
Daiman de Cantebrige		6	8
Godric. Ære		6	8
Galf. Boigris, Ædmundus		6	8
Rad. de Bradeleya		6	8
Will. Finche	5	0	0
Will. de Welle		6	8
Ric. Plumbarius		6	8
Hen. Frostull'		13	4
Godlandus, Osbertus		6	8
Hawan et frat. suus		6	8
Aszius Carnifex		6	8
Godard. le Scipre	1	0	0
Rad. fil. Alfgari		6	8
Yngelmar. de Cantebrige		6	8
Estmund		6	8
Godard. le Trottere		6	8
Wulfwarde de Ponte		6	8
Alfelinus de Ponte		13	4
Alfgar. Blundus		6	8
Ric. et Eust. de Bernewelle		6	8
Ailwinus frat. Wulfwardi	2	0	0
Spileman Salnarius		6	8
Walt. fil. Gileberti		6	8
Joh. de Cestretone		6	8
Alfgar. de Exninga		13	4
Will. et And. de Suaueshed		6	8

§ 89. In the archives of St John's College there is a beautiful cartulary of St John's Hospital. The charters in it which

[1] Pipe Roll, 23 Hen. II. m. 10 d.

[2] Is this the Hildebrand Punch who heads the other lists?

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refer to Cambridge are of the highest interest and deserve to be printed. The following deed, which seems to come from King John's day or thereabouts, is of exceptional importance.

Carta Mauricii Ruffi de quindecim acris terre et de quadam terra in Iudaismo.

Sciant etc. quod ego Mauricius Ruffus de Cantebrige dedi et concessi et hac mea carta confirmavi in liberam puram et perpetuam elemosinam pro salute anime mee et animarum omnium antecessorum et successorum meorum Deo et Hospitali Sancti Johannis Evangeliste de Cantebrige illam medietatem tocius terre mee in Iudaismo de Cantebrige, que medietas est versus portam de Bernewelle, et preterea quindecim acras terre in camp[is] de Cantebrige ex utraque parte aque, scilicet, dimidiam acram in Howescroftesande que abuttat super Mulleweie iuxta terram Hervei filii Eustachii, et unam acram ad capud illius dimidie acre iuxta terram Thome Lungis, et dimidiam acram iuxta terram Radulfi de Trubelvile et abuttat super Grenesheld ad Gretho, et unam acram que abuttat super viam Sancti Neothi iuxta terram domini Baldewini Blancgernun, et unam acram subtus Cotes iuxta terram Walteri filii Alicie Blancgernun et abuttat ad unum capud super Smalemadwe et ad aliud capud super Herdewickeweie, et unam acram super Brochenefurlong inter terram domini Baldewini Blancgernun et terram domini Willelmi fratris eius, et dimidiam acram que abuttat super Hunteduneweie iuxta terram Ade filii Eustachii, et unam rodam que abuttat super viam Sancti Neoti iuxta terram ipsius Ade filii Eustachii, et unam rodam in eadem quarentena iuxta terram predicti Ade, et unam rodam que abuttat super viam Sancti Neoti ad crucem iuxta terram predicti Ade, et unam rodam ad Bertuneweie inter terram predicti Ade et dolam predicti Hospitalis, et dimidiam acram que est forera que abuttat super dolam predicti Hospitalis ad Brunneforde, et unam rodam que abuttat super Smalemadwe et super dolam dicti Hospitalis, et unam rodam in Dale inter terram Ade filii Eustachii et terram Willelmi Blodles, et Butebrok dimidiam acram que abuttat super Clinthaneden iuxta terram predicti Ade, et dimidiam acram ad capud illius dimidie acre inter terram predicti Ade et terram quam Galfridus de Ely tenet de domino Baldewino Blancgernun, et unam rodam in longum pasture[1] iuxta Edinebrok et abuttat super terram que fuit Warini filii Asketini, et unam rodam in Binnebrok[2] iuxta terram Ade filii Eustachii, et unam rodam que vocatur Linrode, et dimidiam acram ad Brunneforde inter terram predicti Ade et terram que fuit Warini filii Asketini, et ex alia parte aque in campo versus Bernewelle unam rodam que abuttat super Rugweie iuxta terram predicti Ade, et unam rodam in Clayhangre inter terram predicti Ade et terram Ricardi filii Yvonis, et dimidiam acram in Clayhangre

[1] Both words in full.

[2] Observe the contrast between Binnebrok and Butebrok.

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iuxta terram ipsius Ricardi filii Yvonis, et unam rodam in Middelfurlong iuxta terram Ade filii Eustachii, et unam rodam ad capud illius rode iuxta terram predicti Ade, et unam rodam [que][1] abuttat versus Brademere iuxta terram Sancte Radegundis et terram predicti Ade, et unam rodam que abuttat super septem acras domini Prioris de Bernewelle, et unam rodam que abuttat super Hintuneweie iuxta terram Johannis Aluredi, et dimidiam acram que abuttat super Hintuneweie ad putte, et tres rodas que abuttant in Hintunefen iuxta terram Ade filii Eustachii, et unam rodam ad capud illarum trium rodarum que abuttat super Pissewelleweie, et unam rodam ad Chalkputtes que abuttat super Hintuneweie iuxta terram predicti Ade, et unam rodam que abuttat super dolam Warini filii Asketini, et unam rodam ad Pissewellesande que abuttat contra magnam stratam iuxta terram Sancte Radegundis, et unam rodam in Middelfurlong inter terram Sancte Radegundis et terram Ade filii Eustachii et abuttat super foreram domini Prioris de Bernewelle, et unam rodam que abuttat super Hintuneweie inter propriam terram meam et terram predicti Ade filii Eustachii Tenendas et habendas adeo libere et quiete, bene et in pace, plenarie et honorifice imperpetuum sicut aliqua elemosina melius liberius et quiecius alicui loco religioso potest conferri et ab aliquibus viris religiosis possideri. Et ego Mauricius et heredes mei warantizabimus defendemus et acquietabimus predictam medietatem predicte terre in Iudaismo et predictas quindecim acras sicut iacent predicto Hospitali et fratribus ibidem Deo servientibus sicut liberam puram et perpetuam elemosinam contra omnes homines et feminas et precipue dotes et impignoraciones. Ut autem hec mea donatio, concessio, carte confirmatio et warantizatio rata et inconcussa imperpetuum permaneat, hanc cartam sigilli mei appositione corroboravi, hiis testibus, Domino Petro de Niwenham et Domino Johanne de Ry et Domino Hugone capellanis, Magistro Waltero de Wylburham, Herveo filio Eustachii, Roberto Seman, Ada filio Eustachii et aliis.

We have here an estate of 15 acres lying in 36 parcels which are scattered about in both sets of fields; some lie close to Girton, some close to Cherry Hinton. In nineteen cases Maurice the donor has Adam fitz Eustace (Dunning) as one of his neighbours. The landowners who are mentioned are Hervey fitz Eustace, Adam fitz Eustace, Baldwin Blancgernon, William his brother, Ralph of Troubleville, T. Lungis, W. Blodles, G. Ely, Warin son of Asketin, Richard son of Yvo, and John Alfred's son. They are a miscellaneous party.

§ 90. From Domesday Book we can learn nothing of the Cambridge fields. We could not even learn that Cambridge had fields, though we see that there is common pasture and that the burgesses have ploughs. The borough pays geld for

[1] A small hole.

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a hundred hides; but in a great borough taxation is no longer based on land-ownership.

§ 91. A little information about yet older days may be cautiously collected from the *Liber Eliensis*, the compiler of which book had some ancient documents before him, though we can not trust him implicitly. In Edgar's day one Oslac borrowed from Bishop Æthelwold 40 *aurei* and gave in return 40 acres of land *apud Grantebrucge*[1]. Then the brethren of the church of Ely bought from one Brithlave a well-built house (*praedium optime aedificatum apud Grantebrucge*) and 30 acres of arable and a meadow[2]. They further bought 7 acres from the son of Bishop Æthelmær, and 7 acres from Sisled, and 5 from Hungeva a widow, who gave them 10 more and a fishery[3]. Also they had in exchange from Wine 53 or 63 acres and a fishery *in Grantebrucge*. Then a hide of land in *Grantebrucge* was given by Ogga of Mildenhall and successfully defended against his kinsman Uvi, and 16 acres *apud Grantebrucge* were exchanged with Osmund Hocere[4]. How St Etheldreda lost these lands does not appear. But the point of interest is that within the borough field she must be content with small transactions, whereas she is receiving whole villages in the open country.

§ 92. No clue to the history of the boroughs would be more important than that which we should hold if the advowsons of the borough churches would tell their tale. Unfortunately many of them are appropriated to religious houses at an early date and their donors are not remembered. At Cambridge, however, a few grains of information may be collected.

§ 93. Between 1114 and 1130 the Abbot of Ramsey conveyed a piece of land in Cambridge, being the churchyard of St George, to Randolf with the Beard, Robert and Anger 'and the others of the fraternity of the Holy Sepulchre' for the construction of a church in honour of the Holy Sepulchre, which was to be subject to Ramsey Abbey. Another deed of the like import mentions Durand of Cambridge in the place of Randolf with the Beard[5]. Somehow or another the advowson of this

[1] Liber Eliensis, ed. Stewart, p. 134.
[2] Liber Eliensis, p. 135.
[3] Liber Eliensis, p. 135.
[4] Liber Eliensis, pp. 131, 133.
[5] Cart. Rams. i. 145; ii. 264. Mr Atkinson, Cambridge Described, p. 164, says: 'To judge by the style of architecture, which is the only evidence we have as to date,

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(the Round) church soon passed to Barnwell Priory[1]. However, one of the first glimpses that we have of Cambridge after that given by Domesday Book shows us a gild building a church, and it shows us also a church of St George that soon disappears.

§ 94. A curious record attributed to Richard I.'s reign tells how a jury is summoned to declare whether St Peter's church is in the gift of the king or in the gift of Herbert the Chaplain, Reginald son of Alfred, William of Caldecot and Ivo 'de Pipestr'.' The jurors say that neither the king nor his ancestors ever gave the church, but that one Langlinus who held that church and was its parson 'gave' that church, 'in the manner then customary in the city of Cambridge,' to a kinsman of his called Sigar, who held it for more than 60 years and was its parson, and who afterwards gave it to his son Henry, who held it for 60 years and gave it to the Hospital of Cambridge by his charter. Whereupon it is adjudged that the Hospital shall have that church[2]. To all appearance the four defendants are in some sort the representatives of the Hospital. The church in question is that of St Peter outside Trumpington Gate, which has given place to St Mary the Less. In Edward I.'s day jurors say that it has belonged to the Hospital from time immemorial, having been given by Henry the son of Sigar[3]. An Aspilon or Absalom son of Sigar was tallaged in 1211[4].

§ 95. The Ivo of whom we have just read seems to have borne the nick-name Pipestraw[5]. He was patron of another church, namely, that of St Michael, and to this he presented William son of Absalom. In 1231 Ivo and William were both dead and there was litigation about the advowson. Ivo had four sisters. One of them had a grandson, John son of Isaunt, or Ifaunt. Another had two sons, William son of Absalom and

it [the Round Church] was built between 1120 and 1140.' The Ramsey charter seems to show the accuracy of this inference.

[1] Rot. Hund. ii. 392.

[2] Placit. Abbrev. 98; Coke upon Littleton, 109 b; Cooper, Annals, i. 29.

[3] Rot. Hund. ii. 359, 393.

[4] The name Absalom, which becomes Aspelon, Aspilon, and finally Asplin, seems to have taken root in Cambridge at a time when Old Testament names were very rare among English Christians. Is it due to the Breton influence?

[5] He is tallaged in 1211. The terrier copied by Dr Caryl shows a parcel of land in one of the Barnwell Fields which is called Pipestraw Gores.

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Walter his brother[1]. Seventy years later a somewhat different pedigree is put before us. The advowson descends from Reginald Pipestraw to his son Ivo, from Ivo to his daughter Alice, from Alice to her son Yfant, from him to his son Alfred, from him to his sister Maud 'de Walda' or Atte Wolde[2]. Maud wanted to give it to the University[3].

§ 96. Then we can connect the sons of Absalom with another church, that of St John. William fitz Absalom was its patron. He died and the advowson descended to his brother Hugh, who gave it to the Priory of Barnwell. In 1220, after Hugh's death without issue, an unsuccessful attempt was made to recover it by Mabel de Marenny his sister and Adam son of Philip. Adam seems to be the son of Ada, another sister of Hugh[4].

§ 97. We pass to St Clement's. Hugh son of Absalom gave the advowson to the Nuns of St Radegund[5]. Then Walter son of William de St Edmund confirmed the grants made by his ancestor Hugh son of Absalom and his uncle Walter. Walter of St Edmund is a member of the family which holds the church or chapel of St Edmund. Hugh son of Absalom has for cousin Aldusa daughter of William Blancgernon[6].

§ 98. By a fine levied on 1 Jan. 1219 Baldwin Blancgernon quit-claimed the advowson of the church of All Saints in the suburb of Cambridge to the Prior of Barnwell, and in return the Prior and Canons received him and his heirs into the benefit of their prayers[7]. The church in question is that of All Saints by the Castle, and we see that already the transpontine part of Cambridge can be spoken of as a suburb. Then in 1279 the advowson of Trinity Church belonged to the Abbey of West Dereham, to which it had been granted by William of Yarmouth Vintner[8]. All Saints by the Hospital was given to the Nuns by one Sturmi, who in his charter called himself simply *Ego Sturmi de Cantebrig.* Among the witnesses was *Absalom*

[1] Bracton's Note Book, pl. 523. Walter is tallaged in 1211.
[2] R. H. ii. 387.
[3] Cooper, Annals, i. 65.
[4] Bracton's Note Book, pl. 103, 104.
[5] Jesus Charters, M. 2. 3 (Mr Gray's notes).
[6] Jesus Charters, L. 2 (Mr Gray's notes).
[7] Record Office, Feet of Fines, Henry III. Camb. $\frac{1}{11}$.
[8] Blomefield, Hist. Norfolk, 8vo. ed. vii. 34.

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presbyter[1]. Then we are told that a man called Absalom was both patron and rector of St Andrew (the Great) and gave the advowson to Ely[2]. St Benet belonged to the Argentans, a county family; St Mary the Great to the king.

§ 99. Thus we have not a few indications of the days when the burgesses, sometimes clubbing together in a gild, built the churches, and appointed the parsons 'according to the then custom of the city of Cambridge,' and we think of the entry in Domesday which tells how the *burgenses* of Norwich held fifteen churches, and how twelve *burgenses* had held the church of the Holy Trinity[3]. A church, it must be remembered, had been a source of revenue to its patron, to its owner[4]. It was not unlike a mill; he 'banned' his tenants and dependants to the one and to the other. The disorderly mess of tithes that we see in the Cambridge fields is the result of this process.

§ 100. Then there are external landowning families, county families, which have a proprietary interest in the town and its fields. As already said the line of demarcation is not severe. At Trumpington in 1279 there are Cayleys with a nice little manor[5]. A Ralph Cayley has given 30 acres in that village to St Radegund. But in the Cambridge Fields John Cayley has given to Barnwell Priory 40 acres and the service of many tenants[6]. William Cayley has a house in St Benet's parish, and Alan Cayley has been a strip-holder[7]. Early in the thirteenth century Kailly the tanner was one of the richest men of the town. In the next century Philip Cayley is mayor of the borough and holds acres in the fields. Younger sons, we may suppose, 'go into business,' and thriving burgesses buy land in the neighbouring villages. But we also see on the Hundred Rolls that rent is going outside the borough to Colvilles, Pyrots, Argentans, Troubelvilles, Cockfields. The Prior of Huntingdon owes his strips in the fields to a Troubelville[8]. The Troubelvilles and their successors the de Greys are estated near

[1] Jesus Charters, D. 11.

[2] Bentham, Ely, p. 146. [3] D. B. ii. 116 b.

[4] Stutz, Die Eigenkirche, Berlin, 1895; Geschichte des kirchlichen Benefizialwesens, Berlin, 1895. The already antiquated 'custom of the city of Cambridge' to which the jurors refer permitted the patron to 'give' the church to a parson.

[5] R. H. ii. 548. [6] Ibid. 357.

[7] Ibid. 376, 378. [8] Ibid. 391.

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Huntingdon at a village which is known as Hemingford Troubelville or (at a later time) Hemingford Grey[1]. There is a Hemingford family which has had land in Cambridge to give away; Dame Nichole of Hemingford gave some to Barnwell Priory[2]. May she not be the Dame Nichole whose name is attached to a hythe in Cambridge, 'Dame Nichole's Hythe[3]'? There is a Nonancourt family interested in Barnwell. In some way or other it is connected with the family of Adam of Cockfield, who was a considerable landowner in eastern England[4].

§ 101. But much greater people were concerned. Leonius Dunning held part of his land of a Mortimer who held of Robert Bruce. Part of the land of Eustace Dunning was held of the Earl of Leicester. Now if any grand 'honour' is to appear in Cambridge and its fields, we should expect it to be that honour of Huntingdon which represents the estates of Waltheof and has passed to the royal family of Scotland. Any earl's share, erlesdole, that had been allotted in the fields of Cambridge might be looked for among their possessions. They or their assignees were entitled to an ancient rent of £10 which represented the third penny of the borough[5]. King Malcolm's gift to the nuns of 10 acres next Greencroft may be the act of an earl who regards a third of the waste as his own. Not many miles from Cambridge this Scottish stratum crops out in the village of Oakington, where there is a manor which is held of Balliols and Bruces[6].

§ 102. To account for the appearance of the Leicester fief is not so easy. It may be seen in Cambridge and in the adjacent villages of Girton, Grantchester and Barton[7]. In these villages it seems to hold the place that was held in 1086 by the Mortain fief[8]. In 1086 the Count of Mortain had three houses in Cambridge; he was standing in the shoes of Judhael the Huntsman[9].

§ 103. Domesday Book would lead us to expect that another great fief would be represented in the borough, namely, the

[1] R. H. ii. 679. [2] Ibid. 357. See above, p. 162.
[3] Ibid. 367, 390. Willis and Clark, ii. 390. See Lib. Rub. Scac. 531.
[4] Bracton's Note Book, pl. 1393; Blomefield, Hist. Norfolk, 8vo. ed., viii. 412, 414.
[5] See Cooper, Annals, i. 37. [6] R. H. ii. 449.
[7] R. H. ii. 459, 563, 565. [8] D. B. i. 193. [9] D. B. ii. 189.

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honour of Britanny and Richmond, for Count Alan, the successor of Edith the Fair, had five burgesses. In the thirteenth century there is a good deal of the Breton fief scattered about in Cambridgeshire. Count Stephen, who died in 1137 or thereabouts, held a mill in Cambridge and gave its tithe to a French monastery which had a cell at Swavesey[1].

§ 104. There is one estate of exceptional interest, namely, that of the Mortimers. In 1501, when Gonville Hall was acquiring it from the representatives of Lady Scrope of Bolton, it was described as being the manor of Newnham and consisting of the Newnham water-mill with an adjoining close, one other close called Newnham close, and 99 acres in the town and fields of Cambridge[2]. In the terriers we find 'Mortimers' land' scattered about in the various furlongs. We turn first to the Western Fields. In Grithow Field lie the following parcels: 2 A + 2 A + 6 A. In Middle Field: 2 A + 1 A + 1 A + 20 A, besides 8 selions constituting 'Chalkwell dole,' which we may perhaps set down for 16 A. In Little Field: 3 A + 3 A. We pass to the Eastern Fields. In Ford Field lie the following: 4 A (Mortimers' dole) + 8 A (Mortimers' dole). In Swinecroft: 8 A 2 R (Mortimers' dole). In Bradmore: 7 A (Mortimers' dole) + 14 A (Mortimers' dole) + 9 A (Mortimers' dole). In Middle Field: 10 A (Mortimers' dole).

§ 105. Now the interesting feature of this estate is the large size of the parcels of which it is composed. Other people sometimes have several adjacent acres; but almost without exception the Mortimers' parcels are unusually large. This may possibly be the result of exchanges and good management in fairly recent times; but, as the Mortimers do not seem to have been resident in Cambridge, we may hesitate before ascribing to them an unique success in the endeavour to bring order out of chaos. May not their estate represent an allotment made in the oldest days to some chieftain; *secundum dignationem*, as Tacitus said?

§ 106. Unfortunately at this point the Hundred Roll is obscure. We read in it how Robert Mortimer gave a whole ploughland to the Hospital. This he had by the gift of King

[1] Dugdale, Baronage, i. 47; Monasticon, vi. 1002.
[2] Cooper, Annals, i. 257, 286.

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John, who perhaps obtained it by way of forfeiture: the 'Normanni' were forfeiting their lands in John's day. But this cannot be the Mortimers' land of later times since it has already passed to the Hospital. Then we read that Leonius Dunning has inherited from his father Adam half a knight's fee and a water-mill, which are held of William son of Robert Mortimer, who holds of the Bruces. The difficulty is that we read of no land held by the Mortimers 'in demesne,' and therefore of none which (unless we suppose some surrender or escheat) will naturally become the 'Mortimers' lands' of the terriers. Some loyal son of Gonville and Caius should solve the problem, for the Mortimers' lands or plots obtained in lieu thereof have become profitable. However, the mention of the Bruces points straight to Waltheof and ancient earls. An exceptional estate might well come down this line. On the other hand, there are some signs which suggest that the Mortimers filled the place of the Breton counts and therefore of the fair but enigmatical Edith[1].

§ 107. The story of the land-gavel and haw-gavel should be of importance, but is not easily interpreted. In Domesday Book we read: 'De consuetudinibus huius villae vii. lib. per annum et de landgable vii. lib. et ii. orae et duo denarii[2].' Four centuries afterwards under Richard III. we have the earliest haw-gavel roll of the borough. The total amount that stands in

[1] These Mortimers of Attleburgh, for whose pedigree see Blomefield, Hist. Norfolk, 8vo. ed., i. 506, had Kingston as the centre of their Cambridgeshire property, and they there held of the Pecchés (R. H. ii. 514). In Foxton and Harston they held part of the Richmond fief (Ibid. 547, 553). It does not seem at all certain that the Roger Mortimer who appears as mesne lord of a manor in Trumpington belongs to this family. An attempt to derive the Mortimers' lands in Cambridge from Alan of Britanny through the Zouches has been made. The supposed link is the William 'Zouche of Mortimer' who lived under Edw. II. and III. He was a son of Robert, 3rd Baron Mortimer of Richard's Castle, and took the name of Zouche from his mother, a Zouche of Ashby. But a Zouche-Mortimer marriage at this late date can not account for a Mortimer having land in Cambridge under John; besides it seems to take us from the right set of Mortimers to their more famous namesakes of the Welsh march. On the other hand, we find (see above p. 179) that the Breton Counts had a water-mill in Cambridge, and it is difficult to say what mill this was if it was not the Newnham mill, which formed an important part of the Mortimer estate. As to this mill, see the inquest of 27 Edw. III. in Baker MSS. xxv. 52. Blomefield, i. 508, tells how, in the time of the Barons' War, Robert Mortimer had a servant (serjeant?) named Leonine. This makes us think of Leonius or Leoninus Dunning, for the name is very rare.

[2] D. B. i. 189.

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charge upon it is £7. 1*s.* 3½*d.*[1] At this date the haw-gavel or 'high-gable rent' certainly includes the land-gavel, the rent paid for strips in the fields. Half-way between these two documents stands the Hundred Roll. The total sum of the land-gavel and haw-gavel there mentioned seems to lie between £7 and £8[2]. Examining a few particular instances, we find a close agreement between 1279 and 1483. Thus on the roll of 1279 we are told that the Scholars of Merton pay 4*s.* 10*d.* for haw-gavel and land-gavel[3]: and on the haw-gavel roll this is exactly the sum charged against them. So in the older document the Nuns of Radegund seem to be liable for 14*s.* 4*d.*; and 14*s.* 4½*d.* is what they pay under Richard III.[4] The Prior of Barnwell pays 53*s.* 4*d.* in 1483: and in 1279 he seems liable for 57*s.*, or perhaps 57*s.* 4*d.*

Now all this seems to point to the conclusion that for some centuries before Richard III. the total amount levied by way of land-gavel and haw-gavel was somewhat more than £7, and then we see that the land-gavel of Domesday Book is seven pounds, two ounces and two pence: that is apparently £7. 3*s.* 6*d.* We are strongly tempted therefore to hold that the land-gavel of 1086 includes the gavel paid for the haws or houses and to see a marvellous permanence.

§ 108. If, however, we accept this theory, then we must give some explanation of those 'customs of the borough' which were distinct from the 'landgable' and brought in £7. In recent times the interpretation of this passage was bitterly disputed among the inhabitants of Cambridge. One opinion was that these 'customs' would justify a toll which the corporation exacted from carts entering and leaving the borough, while those who disliked and victoriously opposed the toll declared that the *consuetudines* of Domesday pointed to the 'high-gable rents.' I do not think that we are compelled to choose between these two theories. Even if we suppose that the rents which the king receives from houses are included in the 'landgable,' there

[1] Cooper, Annals, i. 227. The roll is of the first year of Ric. III.

[2] I make it nearly £8.

[3] R. H. ii. 360.

[4] In R. H. ii. 359, col. 1, entry 5, they are charged with 14. I take this to mean 14 shillings, not pence.

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is still a great deal for the 'customs' to cover. There are the profits of the court and the market tolls[1].

§ 109. It is therefore a plausible hypothesis that the total sum due to the king or his farmers from lands and houses remains at a little more than £7 from the days of the Confessor onwards until modern times, when the gavel-pence became trivial. If so, then we may provisionally treat what the Hundred Rolls tells us about the apportionment of this burden as indicative of a very ancient state of affairs. By no means all the houses pay the gavel; in the fields it is the exception rather than the rule. Also it is very light. There are a few shops which pay as much as 8*d.* apiece[2], but a house often pays only a penny or a half-penny. In the thirteenth century such rents, if not nominal, were extremely small. Even if we go back to far remoter days, a penny is but the thirtieth part of the traditional price of the ox[3].

§ 110. Whether the whole of what became the territory of Cambridge was from the first the land of a single tún or whether there were once two túns, each with its own fields, this is a question which the map will suggest to us[4]. If there ever were two túns, then, as túns go in Cambridgeshire, both of them had small, rather than large territories: territories as small as that of Girton. Also we are compelled to ask ourselves what was the name of the southern or eastern tún. That it was not called Barnwell is, I think, clear. The well-known account of the foundation of the Priory supposes that 'Barnwell' was merely the name of a spring in the fields of Cambridge[5]. Also, so far as I am aware, this name was never given to the whole of our cispontine Cambridge, but covers only the Priory, which is far outside the ditch, and a group of houses which immediately surrounds, and may well be the creature of, the Priory. True, that the

[1] That D. B. speaks of the *consuetudines* as though they were paid by houses does not, I think, prove that those *consuetudines* were rents. The king, I take it, would not get the wites (nor perhaps the market tolls) of those who lived in houses which belonged to immunists. *Consuetudines* is Domesday's largest word: see Domesday and Beyond, 67 ff.

[2] Perhaps these shops projected into the street and their rent covers a purpresture.

[3] Domesday and Beyond, 44.

[4] As to this question, see Atkinson and Clark, Cambridge, 8 ff.

[5] Lib. Memor. f. 13: Pain Peverel bestows 'locum iacentem in campis Cantabrigie pro tresdecim acris circa fontes de Bernewelle.'

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whole of the Eastern Fields are sometimes called the *campi de Bernewelle.* This usage, however, was not unnatural at a time when the Priory owned a full third of those fields, so that a third at least of the acres had their agricultural focus in Barnwell.

§ 111. It may be roughly true that the Eastern Fields tithed to cispontine churches, and that the Western Fields tithed either to St Giles or to the Nuns, who held the church of St Clement, which, though not transpontine, is very near the river. But apparently there were many strips in the Newnham quarter of the Western Fields which were ascript to the church of St Peter without the Trumpington Gate, and tithe was still so fluid for a century after the Norman Conquest, that an argument based on its distribution might fall far short of the days when the fields were first laid out and cut into strips[1].

§ 112. Whether there ever was within the limits of Cambridge anything that would earn from our historical economists the name of a 'manor' is a difficult question. In recent centuries the colleges, as we should expect, let their lands to farmers for terms of years[2], and the municipal corporation let the lands of the White Canons. Some of the evils which would naturally flow from the intermixture of strips may have been obviated if one farmer took leases from two or three landlords. The estates held by Merton, St John's, Jesus, Caius and Trinity Hall[3] were called manors, and the name 'hall' or 'manor-house' was given to the house in which the farmer lived. Merton had a few copyholders and held courts for them. In the thirteenth century Leonius Dunning and the Master of the Hospital held courts at

[1] See Gray, Old Courses of the Cam, Cam. Ant. Soc. Proc. ix. 74. Mr Gray seems inclined to draw the line between the two townships in such a manner as to throw St Clement's parish into the northern township which had the Western Fields. Very many of the strips in these fields tithed to St Radegund, and the nuns may have taken the tithe in right of their church of St Clement, for with the three transpontine churches they had nothing to do. But this theory seems to open new difficulties. The vill with the Western Fields stretches just a little across the river so as to shut off the other vill from the bridge.

[2] See notes of leases granted by St John's in Baker, Hist. St John's (ed. Mayor), vol. i. pp. 354 ff.

[3] The manor of Cotton Hall. Apparently this had formerly been known as Caylyse. Cooper, Annals, ii. 39, 407. On the Hawgavel Roll of 1 Ric. III. Thomas Cotton is charged for the tenement called Caylyse. As to the Cayley family, see above p. 177. 'The manor house, an old brick mansion, stood opposite Pembroke.' Mr Gray has shown me a picture of the Jesus or Radegund manor-house.

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Newnham. It is to be remembered, however, that even the largest of these estates was small if judged by a rural measure. Merton had tenants in the neighbouring vills of Grantchester, Chesterton and Girton and may have been able to work its land in the manorial fashion: that is to say, to get the demesne tilled by labour due from tenants by reason of their tenure. The Hospital seems to have exacted some boon-days. But on the whole I think that from a very early time the main part of the work was done by the landowner's servants or by hired labourers. The rapidity with which the strips were passing in the thirteenth century from owner to owner seems incompatible with any high degree of manorialism. We have seen that 'Harleston's manor' was not formed until the middle of the fourteenth century.

§ 113. Such plea-rolls of the borough court as are extant—unfortunately they are few—show that the whole territory of Cambridge was within its jurisdiction. In 1295 John Goldring brings replevin for a horse taken in his croft at Newnham by Master Guy, Master of the Hospital, who avows for homage, fealty, suit to his court of Newnham from three weeks to three weeks and the service of one penny a year. In the same year the same John brings replevin against Leonius Dunning for two house-doors (*hostia*) carried off at Newnham: Leonius avows for homage, fealty, suit to his court of Newnham from three weeks to three weeks and the service of 31½*d.* a year. Simon of Lynn brings replevin for a hurdle taken in his house at Newnham by the Master of the Hospital, who avows for homage, fealty, a service of 12*d.* a year, two weedings and two boon-days[1]. It will be seen that the distrained tenant is off at once to the borough court.

§ 114. That court also entertained suits in which the title to land in the fields was in debate. In 1220 we see it seised of an action in which Mabel of Nonancourt claims 72 acres against Adam of Cockfield, who is no burgess but a man of fairly high station with a good deal of land that he holds by military service. Hervey son of Martin, John Crocheman, Walter son

[1] Roll in the borough archives. All are cases of 23 Edw. I. In the last case the service is described thus:—'et per servicium duarum cercler' duarum precar' et xii. den. per annum.'

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of Walter and Walter son of Ernise carry the record of the court before the king's justices. Its accuracy is questioned, and the recorders are ready to defend it by the arm of a champion[1]. The jurisdictional territory of the court is the vill of Cambridge: not the ditch-enclosed space, but the whole vill. Charters of feoffment of lands and houses are commonly attested by the mayor and bailiffs; probably they were executed in court, and they may have been copied on rolls that are not now forthcoming. On the other hand, I have seen no trace on these rolls of any governmental regulation of the arable land: no by-laws touching its culture: nothing of the kind.

§ 115. The exact nature of the rights that the king bestows when he grants a town to the townsfolk is obscure. The core of the gift consists of those revenues which a sheriff has heretofore received, house-rents and land-rents (haw-gavel and land-gavel), market tolls, profits of the court, profits of the king's mills. Around this there is a fringe of debatable matter: a nebulous fringe which solidifies as potential become actual utilities. There is waste or unappropriated land both inside and outside the ditch or wall: also there is a seignory over houses and appropriated land.

§ 116. The weak spot in the case of the burgesses, who would give to the grant its largest possible scope, is that the king does not mean that they shall take the escheats. This seems clear from an inquiry addressed to the jurors in 1279: 'Touching the king's farmers who hold cities, boroughs or other manors of the king at fee-farm and who by reason of the farm take the escheats and alienate or retain them[2].' The Cambridge jurors 'de isto articulo nichil sciunt.' They do not claim escheated tenements. But if the right to escheats is not conveyed, how about a seignory, and, if there is no seignory, what of the ownership of the waste?

§ 117. It seems to me that the theory changes. Gradually the townsfolk (becoming incorporate) begin to assert that, at all events where haw-gavel is paid, they (*ut universi*) stand as a mesne lord between the tenants and the king. The evidence consists of *inquisitiones ad quod damnum*, some of which I have

[1] Curia Regis Rolls, No. 74, m. 9, and No. 75, m. 5 d. See Bracton's Note Book, pl. 1393.

[2] R. H. ii. 392.

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seen at the Record Office, while many were printed in 1850 by a committee of the Town Council[1].

The following is an example from 1294:

If the king licenses Roger of Rydelingfield to give to the University four messuages and thirty acres in Cambridge, this will be to the damage of the king in this, that the king will lose the escheat, which would be worth £40; and it will be to the damage of the town of Cambridge in this, that the said tenements were and ought to be geldable to all aids, contributions and burdens. Moreover they are held in chief of the king and render every year 6*s.* 6½*d.* of haggabil for the farm of the town to the men of Cambridge who hold the town of the king at fee-farm[2]....

Here the theory is plain. Roger holds immediately of the king, though he pays haw-gavel to the men of the borough. There are various other inquests which put the matter in the same fashion. And now contrast this from 1353:

It will not be to the damage of the king or of any other if he licenses the Alderman and Brethren of the Gild of Corpus Christi and B. Mary of Cambridge to grant five messuages and twelve cottages to the Master and Scholars of the House of Corpus Christi and B. Mary of Cambridge. And the jurors say that a moiety of one of the said houses is held of John of Toft by the service of 6*s.* a year and the other moiety of Robert Came by the service of 8*s.* a year. And one other messuage is held of the Prioress of St Radegund by the service of 10*s.* a year. And one other of the Abbot of Ramsey by the service of 5*s.* a year. And one other is held by the service of 12*s.* a year of the men of the town of Cambridge who hold the said town at perpetual fee-farm of our lord the king[3]....

So again in the same year, when houses bought for the Hall of the Annunciation are to be made over to Corpus College, it is said that they are held of the Prior of Barnwell, Thomas Morice and Edmund Caily by the service of 13*s.* a year 'and are likewise held of the men of Cambridge by the service of 1*d.* a year for hagable, which men hold the said vill of the king in perpetual fee-farm[4].' Here 'the men' are lords.

§ 118. The high-water mark of this theory may be found in the mortmain licences granted in 1506 by the corporation to Michael House and Gonville Hall. In the latter case there is

[1] Borough Rate Report; the work, it is believed, of Mr C. H. Cooper. I have used a copy at the University Registry.

[2] Borough Rate Report, p. 56.

[3] Rec. Off. Inq. a. q. d. 27 Edw. III. 37.

[4] Rec. Off. Inq. a. q. d. 27 Edw. III. 41.

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a distinct assertion that the Mortimer manor was 'holden of the mayor, bailiffs and burgesses as of their high gable (!), by the yearly rent of 18*s.*[1]'

The theory can fluctuate because in a borough, where tenements are devisable and no wardships can be claimed, a seignory over a freeholder practically resolves itself (if the right to the escheat be excluded from view) into a mere right to an immutable rent, and perhaps the only chance which it has of showing that it is a seignory is that afforded by the Mortmain Statute.

§ 119. As to the waste land within the ditch (it would chiefly consist of streets, lanes, odds and ends) I do not think that the king of the thirteenth century would have admitted that this ground was 'holden of' him by the burgesses. They had succeeded to the rights of the sheriff, and it was not for a sheriff or other royal bailiff to make profit for himself by inclosing waste lands. At the same time I do not suppose that in general estimation the king was free to do just what he pleased with the open spaces. We have seen the burgesses building a hospital on their common land; we have seen also that the result of this is a disputed right of patronage[2].

§ 120. It is possible that Henry III. bought waste land from the community. By a writ of 6 Feb. 1292, Edward I. grants to the Carmelite Friars of Cambridge leave to inclose within two walls 'a certain place of ours between their abode and the river Grante which King Henry our father bought *de hominibus eiusdem ville*[3].' I think it probable that we ought to say '*the* men,' though the phrase is ambiguous, owing to Latin's lack of articles. The writ goes on to declare that the Friars are to make two doors in the said walls 'through which we and our heirs and our faithful people' may at all times have ingress and egress for the defence of the said town when there is need. This looks as if the piece of ground in question had been a lane or open space giving access to the river. It must soon have become obvious that the king's ownership (if ownership it was) of streets and lanes must be of an attenuated kind, and that, if he was to be charitable to Carmelites and others, he must

[1] Cooper, Annals, i. 257, 285, 286; Borough Rate Report, 17.

[2] See above, p. 161.

[3] Rot. Pat. 20 Edw. I. m. 21 (unprinted).

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consider the necessities of the burgesses to whom he had granted 'the town.' It is also to be observed that if the corporation was tenant of the waste, it was tenant in chief, and like any other tenant in chief would require royal licence for an alienation. Thus the situation might remain indefinite.

§ 121. The corporation of Cambridge had occasion to rue the petition of 1330[1]. Leave to approve the small lanes and waste places was asked because the only revenue applicable to the discharge of the fee-farm rent consisted of tolls levied from strangers who came into the town on market-day. This unlucky document was vouched by the University in 1616 to prove that John's charter conferred no ownership of the soil[2]. Then, shortly before the Municipal Reformation of 1835, there were bitter lawsuits between the (Tory) corporation and some townsmen about a general toll (not a market toll) exacted from carts entering or leaving the town. The corporation was defeated in two long trials, of which full reports were published. The two reports are in the University Library (Z.23.12): (1) A full report of the important toll cause of Brett *v.* Beales, Cambridge, no date, preface dated 25 March, 1826: (2) A full and accurate report of the important Cambridge Toll Cause, Cambridge, no date (but this trial began on 16 December, 1829). At the later trial Scarlett (Lord Abinger) made the most of the petition of 1330: Either at that date the corporation had only a market toll or else it told a lie. 'A beggar who will lie will also steal; he will rob, he will usurp, he will pilfer; and if the corporation of Cambridge were at that time commencing a proceeding of treachery and of falsehood,' etc. etc.[3].

§ 122. There was also some discussion about the ownership of the waste ground. Scarlett, arguing against the corporation, said: 'It is by no means clear that the corporation at that time [1330] had, and certainly did not think they had, the freehold of the soil: because, if they were lords of the soil at that time, they need not have asked the king for leave to approve the lanes and wastes.' However, he admitted that 'the documents may be in that respect ambiguous[4].' Lord Tenterden, who was

[1] Rot. Parl. ii. 47; Cooper, Annals, i. 84.
[2] Cooper, Annals, iii. 109.
[3] Toll Cause, No. 2, p. 196.
[4] Toll Cause, No. 1, p. 117.

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trying the cause, told the jury that somehow or another the corporation had become owners of the soil. 'That the corporation therefore, you see, are the owners of the town and owners of the soil of the town, is a fact that I think can now no longer be disputed[1].'

§ 123. Great reliance was placed on the numerous leases of 'waste' or 'common' ground granted by the corporation. Those that were produced began, it would seem, with a lease of 6 November, 1350, to Trinity Hall of 'a certain gutter or water-course[2].' In course of time many colleges took either leases or conveyances from the Town. Henry VI. in the interests of King's College and Edward IV. in the interests of Queens' may be said to have clinched the matter by sufficiently admitting that the corporation was owner of the intramural waste[3].

§ 124. A bad time came in 1790 and some scandalous things were done. It was said in 1833 that Cambridge would have had one of the richest corporations in England had not the land been mismanaged. One of the worst stories is of some antiquarian interest. I believe that most of the roads that entered Cambridge were but narrow tracks, superimposed, as it were, upon the arable. But the Hills Road or Hadstock Way must have had broad strips of waste on either hand. In 1791 much of this waste was sold for a song to the nominee of an alderman[4].

§ 125. As to the historical point, I think that as a general rule the king's grant of 'the town' was not conceived to confer upon the community a mastery over the waste; but that this mastery was often separately petitioned for and separately granted. An early instance is the charter for Bristol granted by John, Earl of Mortain[5]; and this charter is of great importance, because it becomes the precedent for the charters of

[1] Toll Cause, No. 2, p. 171. This explicit declaration having been made from the judgment-seat, I have felt the freer to discuss the historical question.

[2] Willis and Clark, i. 211; Toll Cause, No. 1, pp. 32—52; Toll Cause, No. 2, p. 75.

[3] Willis and Clark, i. 343; ii. 6; Searle, Hist. of Queens' College, i. 85.

[4] See Loggan's plan; also Digested Report of Evidence given before the Commissioners, Cambridge, 1833, pp. 48, 49; App. Rep. Mun. Corp. Com. 1835, vol. iv. p. 2199.

[5] Seyer, Charters of Bristol, p. 10.

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the Irish boroughs, of which Bristol is the 'metropolis[1].' In 1358 the burgesses of Newcastle doubt whether they may dig the coal under the town lands, since the liberty of so doing has not been expressly conceded to them[2]. The citizens of Lincoln seem to have gone to Edward II. for a grant of, or licence to approve, the waste places[3]: the citizens of Coventry to Richard II.[4]: the citizens of Canterbury and the burgesses of Nottingham to Henry IV.[5].

In 1321 the burgesses of Colchester presented a petition closely similar to the Cambridge petition of 1330. The revenues applicable to the satisfaction of their fee-farm rent of £35 consisted, so they said, of tolls and customs and were inadequate; so they asked the king's leave for the approvement of the waste places of the town. They were told that they might have an inquest *ad quod damnum*[6].

§ 126. The written history of the green commons of Cambridge begins with a difficult passage in Domesday Book.

> 'Reclamant autem [burgenses] super Picotum vicecomitem communem pasturam sibi per eum et ab eo ablatam. Ipse Picot fecit ibi iij. molend. qui aufer. pasturam et plures domos destruunt et mol. unum abbatis de Ely et alterum Alani comitis. Ipsa molend. reddunt ix. lib. per annum[7].'

It is not very clear whether Picot has erected three mills or a third mill. In the latter case we have the three mills of later days, namely, the Abbot's (afterwards Bishop's) Mill, the Zouche or Mortimer or Newnham Mill, and the King's Mill which Picot the sheriff has made. The Conqueror issued in favour of the church of Ely a writ which said: 'Molendinum de Grantebrigge quod Picotus fecit destruatur si alterum disturbat[8].' Secondly, I am not sure that Picot's 'ablation' of the common pasture was more serious than that which was occasioned by the erection of a mill. If, however, he had done worse, we must not assume that he kept what he took. One object of William's inquest was to make Picot and his fellows

[1] See for instance the charter for Dublin, Rot. Cart. Joh. p. 79.
[2] Merewether and Stephens, Hist. Boroughs, ii. 656.
[3] App. Rep. Mun. Corp. Com. 1835, vol. iv. p. 2358.
[4] Ibid. iii. 1796. [5] Ibid. ii. 686; Records of Nottingham, ii. 8.
[6] Rolls of Parliament, i. 397. [7] D. B. i. 189.
[8] Inq. Com. Cant. ed. Hamilton, p. xxii.

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give back what was not their own, and we have just seen how the king was prepared to order the destruction of Picot's mill if it could be proved to be hurtful to the Ely mill. In later documents I can not see any ring-fenced estate such as we might trace to the theft of a large piece of common.

§ 127. Mr Freeman has said of Picot that 'among his other evil deeds, he robbed the burghers of Grantbridge of their folkland, while those of Oxford keep theirs to this day[1].' Then of Oxford and Portmeadow Mr Boase says, 'the city always kept it even from Robert d'Oilgi, while at Cambridge the Norman sheriff robbed the townsmen of their folkland[2].' I think that this is a little hard on Picot, and very hard on the burghers of Grantbridge. In the nineteenth century the incorporate burghers of Grantbridge still owned some 300 acres of green common and successfully vindicated 'manorial rights' over some square miles of arable land. And is it strictly true to say that the city of Oxford has always kept Portmeadow? Were there no people in neighbouring villages or hamlets who turned out beasts upon it?

§ 128. It is not certain that the site of St Radegund's nunnery came out of the green. King Malcolm gave ten acres next Greencroft (Midsummer Common) reserving a rent of two shillings. Bishop Nigel of Ely gave four acres next Malcolm's ten. There may have been a *cultura* here, and there would be nothing strange in the earl holding ten or the bishop four contiguous acres, or at any rate being able to acquire them for the endowment of the nuns[3]. On the other hand, the site of Barnwell Priory was to all appearance a tract carved from the green. Pain Peverel begged it from Henry I. Pain gives to the Canons 'a place lying in the fields of Cambridge, to wit thirteen acres around the springs of Barnwell, which King Henry gave me.' This place, we are told, extends along the high-road the full length of the Canons' courtyard, while in depth it stretches over dry land and fen to the river bank[4]. When the fields were partitioned at the beginning of the nineteenth century there was at this point an inclosed block of about

[1] English Towns and Districts, p. 243. [2] Oxford (Historic Towns), p. 14.

[3] Gray, Charters of St Radegund, Camb. Antiq. Soc. Proc. viii. 304 ff.

[4] Liber Memorandorum, f. 13: 'a magna platea usque in riveriam de Cantebrigia in sicco et marisco secundum quod curia eorum in longum extendit.'

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one-and-twenty acres belonging to the representative of the dissolved Priory. It extended back from the Newmarket Road to the towing-path, or 'public haling way[1].' We may doubt whether the burgesses of Henry I.'s time thought that this land was just his to give; but for a while these Austin Canons were popular and the burgesses were hardly yet a person.

§ 129. Then in Edward I.'s day we hear that they accused the Prior of obstructing their drift-way. Some malicious folk declared that the townsmen were wont, and of right ought, to have a drift-way for their beasts through the middle of the court at Barnwell between the bake-house of the Prior and Canons and the river bank, to wit, from the pasture of Greencroft to the pasture of Estenhale and back again: in other words, between Midsummer Common and Sturbridge Common[2].

§ 130. A century later, in the eventful year 1381, Cambridge was for some days in the hands of a rebellious mob[3]. When the insurrection had been suppressed, Hugh de la Zouche and other justices were sent to punish the malefactors and there was some drawing and hanging in Cambridgeshire. On the interesting roll which records the doings of these justices, we see the Prior of Barnwell presenting a bill of trespass against the Mayor of Cambridge[4]. He 'and his commons' with force and arms broke the close of the Prior and Convent, to wit, walls, palings and hays, and cut down and carried off the trees growing there to the value of £400, and broke the palings and gates of the Watergate and carried off the gates thereof and other things, to wit, fish, sedge, turf and other things, to the damage of the Prior and Convent to the amount of £2000[5].

§ 131. The Mayor's defence was that whatever wrong had been done was done by a mob which had him in its power and coerced him by threats of decapitation. Incidentally he confessed that 'the commons' had claimed a right to destroy the Prior's fences. I will give this part of the plea as it stands on the roll, for there are suggestive interlineations:...'quod notum

[1] It is described as 'Horse Fair Close, Hog Yard, etc., 18 A. 0 R. 22 P. Abbey Farm, house, garden, yard etc., 2 A. 2 R. 13 P.'

[2] Liber Memorandorum, f. 49 b.

[3] Powell, Rising in East Anglia, pp. 41 ff.

[4] Assize Rolls, No. 103, m. 1.

[5] The vast sums at which damages are laid must not be taken seriously.

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fuit eis pro auditis[1] antecessorum suorum de communitate ville Cantebrigie quod ante tempus memorie et post tempus memorie quod omnes burgenses ac communes residentes in villa Cantebrigie [et tenentes Regis ville predicte[2]] habere deberent communam [pasture] ad pascendum averia sua cuiuscunque generis ac chaceam et rechasiam suam usque in pasturam suam vocatam Estenhale ad eorum libitum in loco [illo nuper vocato la Drove ut de iure ville Regis predicte] ubi predicti arbores, palicia et haie existabant, et quod locus predictus iniuste ab eis [et tenentibus Regis] per Priorem de Bernewelle per clausturas [et arbores] predictas [deforciatus et] impeditus existat, unde post tempus memorie fuerunt seisiti, voluerunt uti et...[3] pasturam et chaceam predictas in forma que supra.'

§ 132. I do not infer from this that the Prior had done anything new. It is the old story. His court-yard with its water-gate obstructs the drift-way from Midsummer Green to Sturbridge Green. The assertion that the townsfolk had been seised of this way 'within the time of memory' was probably untrue. Excited mobs are not careful about dates; but I think that if the Prior had been guilty of any recent inclosure, we should have heard a much more specific allegation. I see here an old grievance that has long been treasured, and this story makes me unwilling to believe that the extent of the green commons had been seriously curtailed by inclosures or assartations.

§ 133. As regards the regulation of the commons I have nothing to add to the documents which stand in Cooper's Annals, and to which I refer in a note[4]. In the sixteenth and seventeenth centuries the arable still has heavy claims upon the pasture and is for the more part in the hands of persons (colleges) who stand outside and aloof from the corporation. On the other hand, the community has an old claim upon the idle field as well as upon the greens. Also the corporation has difficulties with 'the poor inhabitants of the town' who are

[1] *Sic*. They meant that they had heard from their ancestors.

[2] When medieval burgesses are in a scrape they always suggest that their alleged rights are the king's rights.

[3] Margin damaged.

[4] Cooper, Annals, i. 91, 255, 257, 279, 344, 427; ii. 36, 38, 40, 46, 54, 55, 85, 88, 240, 269, 339, 369, 391, 392, 437, 444; iii. 110, 164, 214, 239.

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multiplying somewhat rapidly in 'the new erected cottages and divided tenements.'

§ 134. After this came the evil days of the Rutland Club. The corporation, it was said, shamefully neglected the commons; anybody and everybody seems to have turned out any beasts that he had, unless indeed he feared having to haul them from the mire[1]. In 1833 it was said that the mayor, who lived opposite Butt Green, would have been dead of cholera long since, had he not been of a strong constitution. One theory seems to have been that all the inhabitants had the right to turn out beasts; but there was a tradition which would have confined it to the freemen and 'the inhabitants having gable gates': apparently a confused reminiscence of the 'broad-gates' and the 'high-gable' (haw-gavel) rents[2]. The commissioners reported as follows: 'Freemen, being butchers, have a right of common for sheep on 19 acres of land, called the Sheeps' Green. This land is open on three days in the week to the cows of all the inhabitants of Cambridge. The commons belonging to the borough consist of 310 acres. Some of it is lammas land. The inhabitants at large enjoy the right of depasturing these commons.'

§ 135. In 1841, after the Municipal Reformation, proposals for the inclosure of certain parts of the greens were mooted. On that occasion a committee of the Town Council reported that 'the legitimate right to use these commons at all was centred in comparatively a very few individuals and that such rights were rendered absolutely valueless by other people trespassing most unwarrantably upon that which does not in any way belong to them[3].' The proposed inclosure excited

[1] Petition to Parliament of 24 May 1833 printed in Digested Report of Evidence given before Mun. Corp. Commission, p. xviii.: 'The said Commons, if properly regulated, would be exceedingly valuable...but the said Corporation shamefully neglect the same, neither paying any attention to the drainage of them, nor taking any measures to prevent persons not having a right of common from sending their cattle thereon, by reason whereof the said Commons are frequently flooded, and the whole of them are so much overstocked that the inhabitants of the said Town derive little or no advantage therefrom.'

[2] Digested Report, p. 88: Mr Pryme stated that he had heard from Aldermen Bond and White that 'the right of common is in the freemen, and the inhabitants having gable gates. That in point of fact it is in all the inhabitants.'

[3] Cooper, Annals, iv. 634.

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opposition and came to nothing. A similar project met with a like fate in 1850[1]. I have purposely kept myself in complete ignorance of the practice that has obtained in modern times in order that I might not plead or seem to be pleading any cause, and I have no reason to believe that there is any cause to be pleaded.

§ 136. We have seen above how the commoners were treated when the Eastern and Western Fields were inclosed and the lammas right over St Thomas's Leys was extinguished[2]. Those commoners who were not also strip-owners were regarded as having rights that were bound up with houses. Without hinting any doubt as to the justice of the Awards, I may say once more that the parochialism which they display does not look medieval. For a couple of centuries and more before the year 1800 the parish had been, even in the boroughs, an important unit for secular purposes. Even in the boroughs, the parish maintained its own poor. As Gneist has remarked[3], the council of the English borough had not, as the council of a foreign town would have, all the powers of 'local self-government' in its hands. The parish was the unit of the Poor Law. Then in the south of England the rural vill was generally a parish, and the rural parish was generally a vill. So, when the time came for Inclosure Acts, what usually wanted inclosing was the land of some 'parish,' and it seemed an anomaly that a house in one parish should confer rights of pasture in another. The 'parish' has done a good deal of harm to English law and English history. Might we not even now give it back to its priest? We may envy the Americans their 'towns.'

§ 137. An important chapter in the history of our boroughs should be devoted to rights of pasture. Dr Gierke has given a deeply interesting account of the fate which befalls the old 'common land' (*Almende*) of a German community when that community developes into a civic corporation[4]. The corporate Town now owns this land. Different parts of it will be used in different fashions. (i) Part of it will directly serve corporate purposes; for instance, there will be a town-hall. (ii) Part of it

[1] Cooper's Annals, v. 23–5.
[2] See above, pp. 108, 115, 121.
[3] Gneist, Self-government, 580.
[4] Genossenschaftsrecht, ii. 682 ff.

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will indirectly serve similar purposes; it is let and the rent is paid into the town-chest. (iii) Part lies open to public use; there are streets that are used alike by burghers and non-burghers. But (iv) there is often a large tract from which the burghers make profit by depasturing their cattle or the like; this land is the subject of the so-called *bürgerliche Nutzungen*. This user by the burghers is, however, quite at the mercy of the Town, of the corporation. It in no way impairs or incumbers the Town's ownership of the land. The Town acting by its proper organ might subtract the land from this use and devote it to another. Further, the individual burgher now gets whatever right he has merely by being burgher, or by virtue of his rank in the civic community. He has a right to be treated in this matter like all other burghers, or all other burghers of the civic class to which he belongs; he is not to be capriciously excluded from what his peers enjoy; but there his right ends. He is a corporator who is suffered to use the property of the corporation. There is no longer any notion of his being one of many joint proprietors, and on the other hand we must not think of his right as *ius in re aliena*, a sort of servitude imposed on land which the corporation owns.

§ 138. I should suppose that before the Municipal Reformation this stage of development had often been attained in the great English boroughs, though, as our Cambridge case may suggest, it was attained slowly, and perhaps most slowly where there was much uninclosed arable land within the 'town.' From the Report of 1835 I will give a few illustrations of what I take to be pure 'burgensic user' of land owned by the corporation[1].

[1] I must not imply that in all the cases here mentioned, the corporation had power to withdraw the land from the use to which it was put by the freemen. In more than one great town there has been quarrelling about this point in recent days, and the costliness of a law-suit when it involves an ancient history has kept more than one pretty case out of the courts. The most instructive decisions of modern times have dealt with the liability to local rates of (1) the owning corporation and (2) the using commoners. From a case concerning Lincoln (Law Reports, 2 Queen's Bench, 482) the reader will be able to work back to cases concerning York, Nottingham, Sudbury and Huntingdon. The Act of 1835 remodelled the corporations and at the same time contained a salvo for the rights of the freemen. Whatever may now-a-days be the nature of the freeman's right under this salvo, he is no longer a corporator suffered to enjoy the property of the corporation.

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Oxford (i. 102).

The privileges and emoluments of the *freemen* at large are...a right of common over Port Meadow, about 439 acres in extent[1].

Worcester (i. 155).

The privileges of the *freemen* are...a limited right of common over about twenty acres of land.

Beverley (iii. 1459).

The *burgesses residing within the town* have the privilege of depasturing cattle being their own property, on lands belonging to the corporation containing about 4,217 acres. They are allowed to depasture three cows in Westwood Pasture; one horse in Hurn Pasture; three beasts in Figham Pasture and six beasts in Swinemoor Pasture, from the 14th of May to the 14th of February. This privilege, if enjoyed to its utmost extent, would be worth £25 a year....Persons depasturing are subject to the payment of a small sum on every head of cattle depastured. This sum varies from 5*s.* 6*d.* to 16*s.* 6*d.* a head.

Northampton (iii. 1969).

The *freemen* are entitled to common of pasture for six head of cattle on about 200 acres of land on payment of a fee fixed by the corporation.

Haverfordwest (i. 241).

The common of Portfield is a large meadow situate within the borough, and containing about 1,000 acres of land. Upon this meadow the *burgesses* are entitled to right of common for all commonable cattle, without stint, at all times of the year.

Pembroke (i. 367).

The *burgesses* are entitled to right of common for all beasts at all times of the year over about 15 acres of common land within the borough, called 'The Common'....It was some time since proposed and agreed to by a majority of the burgesses that this common should be inclosed and let and that the proceeds should be applied towards the improvement of the town. It was accordingly let....[The rents were too high; the lots were abandoned, and the common is now wholly unproductive.]

Grimsby (iv. 2251—2).

Freemen paying scot and lot have the right of putting stock upon the commons belonging to the corporation....It appears to be understood that persons would not now be allowed to purchase their freedom, by reason of such admissions lessening the value of the existing freemen's right of common (!).

Hartlepool (iii. 1535).

The corporation are entitled to the Town Moor, over which the *freemen* exercise the right of pasturage; beyond this no profit is made of it. This

[1] For the sixteenth century see Records of Oxford, ed. Turner, passim.

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land adjoins the town, and lies betwixt it and the sea. Since the increased demand for building land, it is estimated as being worth about £20,000.

Lancaster (iii. 1605).

The *free burgesses* are entitled to a right of common on Lancaster Moor, but in practice the common is used by almost every one who has property adjoining it. The *eighty senior burgesses* are entitled to an equal share in the net income arising from some ground called Lancaster Marsh, the property of the corporation. Lancaster Marsh was formerly a stinted pasture; and, by an old custom, of the commencement of which there is no record in the corporation books, the *senior eighty resident freemen* were alone entitled to the herbage.

Morpeth (iii. 1628).

[A constitution with trade companies.] The *free brothers of companies* are entitled to two stints of common of pasture for two of their own beasts, on a tract of land...containing 401 acres, subject to an annual payment of 5*s.* a year and a load of manure for each stint. The privilege is extended to widows during their widowhood.

Newcastle upon Tyne (iii. 1647).

Under the provisions of a recent Act of Parliament *the resident burgesses and their widows* are entitled to a common of pasture each for two cows, being their own property, upon a tract of land belonging to the corporation, containing about 1,100 acres called the Town Moor....Under the same Act of Parliament a portion of this moor is enclosed, and let by public auction. It produces a rent of £200. This is divided among such of the poor freemen and their widows as do not enjoy the right of pasturage.

Shrewsbury (ii. 2018).

As regards the Quarry and Kingsland:—The *burgesses* had formerly what were called turns—that is right of pasture by turns—on these lands. This right of pasture has been converted into a money payment: that for the Quarry is £1. 1*s.* each to 24 burgesses; that for Kingsland 4*s.* 6*d.* each to 30 burgesses. The order of payment to the burgesses is regulated by the ancient rules which applied to the enjoyment of the pasturage. The payment goes according to the streets in a certain rotation. The *widows and daughters of deceased burgesses* are entitled to payment in their turn.

§ 139. These we might call instances of 'burgensic user in common.' But there were also instances of 'burgensic user in severalty': that is to say, cases in which a corporator merely as corporator, or as member of a certain class of corporators, was suffered to enjoy in severalty a certain piece of the land of which the corporation was owner.

Nottingham (iii. 1985) an ancient borough with a gigantic territory was the grand instance. The *burgesses* are entitled if resident to take in order

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of seniority what is called a 'burgess-part,' that is an allotment of land in the fields or meadows at a small ground-rent payable to the corporation, or a yearly sum in lieu of the allotment, at the discretion of the corporation. These burgess-parts are 254 in number. They are unequal in value, and form in fact a sort of lottery....These allotments are not considered as freeholds; but the common hall exercise the right of resuming them during the life of the burgess. Resumptions of the burgess parts have been frequent of late years....

Somewhat similar arrangements were to be found at Berwick (iii. 1443) and at Stafford (iii. 2028) and perhaps in the Portfield at Marlborough (i. 85). They should be carefully distinguished from cases in which a corporation had contracted a habit of making beneficial leases to corporators. The corporator with a lease had a right such as an outsider might have. At least at Nottingham there seems to have been a mere user by the corporator of the land of the corporation. The corporation 'resumed' a 'burgess-part' when it pleased, and in the past had even done this without compensation. This seems to bespeak not a low but a high stage of municipal development, though one that was only likely to occur in a town that had more waste than was requisite for 'common' pasturage.

Another instance may be taken from Bedford (iv. 2106). Two bailiffs were annually elected. A pasture 25 acres in extent and divided into 25 lots was formerly held by the bailiffs rent-free during their own lives and afterwards by their widows. 'In 1814 the corporation finding themselves in pecuniary difficulties...abolished this privilege. Four lots are still held by the widows who had acquired a vested interest; the remaining 21 are now let for £41 a year.' Here, again, the corporation, while showing respect for 'vested interests,' abolishes a 'burgensic user' of its property.

§ 140. From what may be regarded as the normal type there were some aberrations. It is possible that at York (iii. 1745), where the freemen of the various wards had different pastures, we have traces of coalesced communities; but an arrangement of this kind seems to have been very rare. It is only, I think, in boroughs of a low order that the right of pasture is conceived in recent days as bound up with particular houses[1]. In boroughs

[1] See Godmanchester, iv. 2236; and Clitheroe, iii. 1486; also Gateshead, iii. 1526. But at Nottingham, iii. 2001, the occupiers of old toftsteads had special rights.

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of the lowest order the waste was owned, not by the corporation, but by a manorial lord, and sometimes in such a case any right of pasture that there might be was quite unconnected with corporatorship, but was claimed as 'appendant' or 'appurtenant' in a thoroughly individualistic and rural fashion. Lastly, an undue contraction of the burgensic body has sometimes led to the result that 'inhabitants' who are not corporators assert and perhaps acquire rights of common which are not at the mercy of the corporation[1]. I do not think that this should be regarded as other than the regrettable effect of a regrettable cause. In order that substantial justice may be done, it may be necessary at times to declare that a municipal corporation is a 'trustee' of land which the 'inhabitants' have an 'equitable' right to use. But this can hardly be a desirable arrangement[2].

§ 141. I can not but think that Sir Henry Maine went far astray when he made the borough of Lauder a classic case of archaic rural arrangements[3]. (1) The whole amount of the land that was set apart to be ploughed was no more than 130 acres or thereabouts. This was divided into 105 shares. A share therefore, if judged by a truly ancient standard, would be ridiculously small. We should have a hundred men sharing what was hardly more than a single hide. (2) I may observe that a charter of 1502, after reciting the destruction of older documents, grants to the burgesses and community of Lauder the said burgh for ever with all and sundry lands and 'with power to the said burgesses and community to break up and plough their common lands for their greater convenience and profit[4].' This suggests to me that the practice of ploughing up a part of the common pasture is not more ancient than the charter. In the later middle ages and thence onwards an acre of arable would be a pleasant addition to

[1] See *e.g.* what is said of Bodmin, i. 447.

[2] *Goodman* v. *Mayor of Saltash*, 7 Appeal Cases 633. The feat of finding a 'trust' in a charter of Reginald de Vautort was a bold exploit of modern equity, which will not, I hope, mislead any student of the middle ages, especially as Lord Blackburn shrank from it.

[3] Parl. Pap. 1870, Return of Boroughs and Cities possessing Commons. Maine, Village Community, 97: 'It may be doubted whether a more perfect example of the primitive cultivating community is extant in England or Germany.'

[4] Return, p. 40.

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the resources of a burgess. Lauder Common was large; it contained 1700 acres; if 130 acres were ploughed, enough would be left for cattle. In the fact that sometimes one and sometimes another part of the common was ploughed I can see nothing that is decisively ancient. The practice of tilling a piece of land until it will bear little and then allowing it to go back for some years to the waste was the common practice in some parts of Britain in yet recent times. I should guess that we have in this famous case a 'burgensic usage' of no vast antiquity. In calling it by that name, however, I do not mean to take a side in the extremely interesting controversy which divided the men of Lauder in 1868. But to speak of these 130 acres as 'the arable mark' of a 'primitive cultivating community' is surely an error.

§ 142. In 1870 a Return was made 'of all Boroughs and Cities in the United Kingdom possessing Common or other Lands, in respect of which the Freemen or other privileged Inhabitants claim any exclusive Right of Property or Use.' The inquiry was addressed to nearly three hundred places in England and Wales. The answers seem to show that in modern times the towns in which the corporation owned a considerable tract of pasture land were for the more part just those old shire-boroughs upon whose importance in early history I have been dwelling. I may mention the case of Oxford (about 330 acres), Cambridge (about 285 acres), Gloucester (about 300 acres), Lincoln (about 500 acres), Northampton (about 200 acres), York (nearly 400 acres), Colchester, Derby, Durham, Huntingdon, Leicester, Warwick. There were other boroughs, such as Beverley, Berwick and Sudbury with wide pastures; but north of the Thames the county towns were prominent in this respect.

§ 143. From a tract printed in 1802 for private circulation and entitled *A Narrative of the Proceedings on the St Giles's Inclosure Bill* (Univ. Libr. Z.23.5) I gather that the proposal for the inclosure of the Western Fields at Cambridge came from St John's College. A meeting of proprietors was held at the Rose Tavern on the 23rd of November, 1801, and favoured the project. The general opinion among the promoters seems to have been that the lordship belonged to Merton College.

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Mr Marsh, who was managing the bill on behalf of St John's College, is reported to have said 'that he had always considered the manor as belonging to Merton College in Oxford; that at least the only court baron in the parish of St Giles had been holden by the said college from time immemorial; that he had heard, indeed, of *one* attempt made by the [municipal] corporation, some years ago, to exercise a sort of manorial power within the said parish, but that St John's and Merton College had united in resisting the attempt, and that the corporation had submitted.... He recollected that the said corporation, about twenty years ago, merely under the *pretence* of being owners of the soil, threatened to cut down all the trees in Erasmus's walk.' The incorporate Town opposed the bill in parliament, and to meet its objections, clauses were inserted directing that the various claims to an ownership of the waste should be tried by jury. The writer of the pamphlet (apparently a Cambridge gownsman) is scornful of the Town's right, since 'the whole quantity of land belonging to the corporation in the parish of St Giles amounts only to an acre and a half; and even that pittance is let upon a lease of nine hundred and ninety-nine years.' He thinks it 'extremely rash' of the corporation of Cambridge to dispute the Merton title.

§ 144. The following is an account of the trial:

Guild-Hall, Jan. 20.

Sittings before Mr Justice Laurence, *and a Special Jury of Merchants.*

The Mayor of Cambridge *v.* Merton College.

This case occupied the whole day. It was conducted by Mr Erskine, Mr Gibbs, Mr Wood, Mr Wilson and Serjeant Bailey, for the plaintiffs, who were the Mayor, Bailiffs, and Burgesses of the town of Cambridge, and by Mr Garrow, Mr Dancey, Mr Warren, and Mr Puller, for the defendants, who were Fellows of Merton Hall, in Oxford, and Jesus College, and St John's, in the University of Cambridge.

Mr Erskine, who opened this case with great clearness and perspicuity, observed, that this proceeding arose out of a private Act of Parliament, which was lately passed, for dividing, allotting, and inclosing the common fields and meadows within the parish of St Giles's, in the town of Cambridge. On the passing of that Act, which had for its object the inclosing of these open fields within this parish, different claims were brought before Parliament, with regard to the right of the soil of the lands that were to be inclosed and improved; and they reserved in the Act a power for the

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different claimants to try this right. The learned Counsel proceeded to state the nature of the evidence he meant to produce, and which he did produce, in support of the plaintiffs' claim to the soil of the open fields and waste lands in this parish. The town of Cambridge consisted of fourteen parishes, and there was no doubt but the right to the soil of all the lands in the different parishes, as described in the Act of Parliament, belonged to the Corporation of Cambridge, except the lands in the parish of St Giles's, which were claimed by the defendants.

Mr Garrow here observed, that he meant only to trouble the Court and Jury in support of the claim of Merton Hall.

The first piece of evidence produced on the part of the plaintiffs was a charter, or rather an instrument, admitting that a charter had been granted by Henry II. of all these lands, &c. now claimed by the Corporation of Cambridge. This was dated in the year 1160, and was confirmed by King John in the eighth year of his reign, A.D. 1207; and there was then produced a charter of Richard II. in the 5th year of his reign, and in the year 1382.

The Counsel for the plaintiffs then proceeded to shew a variety of acts of ownership under this grant from the Crown. They shewed a number of leases granted by the Corporation to different persons, of the waste lands in the parish of St Peter's, St Bene't's, St Andrew's, &c. and then they gave a variety of instances of such leases which they had granted, of lands of this description, in the parish of St Giles's. These leases were of an ancient date, and had been renewed from time to time, down to the present day. They also shewed, from the books of the Corporation, a number of instances, where they had granted, for a valuable consideration, a licence to plant trees on different parts of these lands, and they had received a sum of money from a Vice-Chancellor of the University, for permitting some trees to stand as an ornament, and as a shade to the walks.

On the part of Merton College, the defendants, in order to answer the evidences of the plaintiffs, began with producing an original deed, dated the 54th of Henry III. from which it appeared that Wm. De Manfield had granted them a stone house and garden adjacent to it, in the parish of St Giles's. They then produced a copy of a grant to the Warden and Scholars of Merton Hall. This was a confirmation by Charles I. of the Manor of Merton College, in Cambridge, which is called Pythagoras's Farm. They then shewed, that from the 14th of Henry VIII. downwards, a Court belonging to this Manor had been regularly held, at which presentments had been made. They also shewed that the Corporation of Cambridge paid 20*s*. per annum to Merton, for a mill which they leased from the defendants.

It further appeared in evidence, that the farm of Merton College, which was situated in the parish of St Giles's, in the town of Cambridge, only contained from 50 to 60 acres, to which they had an undoubted right, and nobody was disputing it with them. But they contended they had a right to all the open fields and waste lands in the parish, which amounted to 1,200 acres. The tenant of Merton Farm had an extensive sheep-walk over the whole parish when the corn was taken off. He had a right of going on the lands of those who did not hold of Merton College; St John's College

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had a right equally extensive, and Sir Charles Cotton had also a right of this sort, but limited.

After a short reply from Mr Erskine;

Mr Justice Laurence summed up the evidence given on both sides with great precision and correctness and pointed out to the Jury the most important parts of it, as applied to the question they had to decide. He was of opinion, the evidence for the plaintiffs greatly preponderated.

The Jury found a verdict for the Corporation of Cambridge, and that no part of these lands belong to Merton College.

[Cambridge *Chronicle*, 29 January, 1803.][1]

§ 145. The evolution of a borough corporation is very closely connected with what I may be allowed to call the emergence of a freely disposable revenue which the burgesses will treat as the income of the Town. By a freely disposable revenue I mean one which will not be wholly or nearly exhausted in the payment of the fee-farm rent that is due to the king. We may surmise that a steady income of this kind is by no means primeval and perhaps would hardly be found before the fourteenth century in any but the largest towns. To all appearance the fee-farm rents were heavy, and I doubt whether they could always be met out of the old revenue which the sheriff had received. To get rid of his interference, the burgesses were willing to promise the king as handsome an equivalent for the ancient royal dues as any farmer would have offered. It is only in course of time that the burgesses find that the 'community' has an income which is at 'its' disposal, and, unless I am mistaken, a considerable part in this change is played by those leases of waste and 'common' land which the community begins to grant in answer to an increasing demand for building sites. We may easily exaggerate the corporate wealth of a medieval borough. Owing to the highly centralized government which prevailed in this country, the English borough community had very little, if any, power of habitually raising by way of direct rates or taxes a revenue that was to be expended according to the votes of the communal assembly or the ruling magistrates. The 'meaner sort' are off to Westminster at once if the *potentiores* impose tallages, unless indeed the money is wanted for the discharge of some debt that is due to the king. This distinguishes the English from the foreign

[1] Some phrases in this report are misleading. The dispute was about lordship over the fields and ownership (tenancy in demesne) of the balks and other bits of 'waste.'

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town: Westminster is so near, so accessible. But a 'corporate personality' is hardly required until there is a corporate income.

§ 146. The foregoing remarks are due in part to a perusal of some of the accounts kept by the officers of the town of Cambridge. Near the end of the last century Mr Bowtell, an alderman of the borough, purchased a large quantity of these valuable documents when they were being sold as waste paper. He caused them to be bound and afterwards generously gave them to Downing College. They go back as far as 1510 and admirably illustrate the finance of an English town of the sixteenth century. For the more part they are the audited accounts of the annually elected treasurers, of whom there were two at a time. The accountants first charge themselves with receipts and then discharge themselves by stating what they have expended. I will say a few words of the main heads of income and outgo, choosing the year which ended at Michaelmas 1519 as an example.

(1) First among the items of charge stand 'the rents and farms of lands, tenements and grounds belonging to the said Treasury specified in the rental.' These amount in all to about £54. Their nature may be shown by a few examples:

	£.	s.	d.
Inprimis of the Master and Fellows of Benet College for three buttresses built upon the common ground annexed to the tenement at Small Bridges			3
Item of Mr John Belle for a parcel of a void ground of the common ground inclosed to his tenement in the which he late dwelt in Cambridge			4
Item of the said John Belle for a common lane inclosed to the said tenement			2
Item of the same Hugh [Chapman] for a shop built upon the corner of the tolbooth		13	4
Item of the Master and Fellows of the College of St Michael for two common lanes inclosed and a tenement set built upon the common ground		5	0

Many of these rents are very small and the total amount is largely due to three items.

	£.	s.	d.
Item of Robert Sympson for the farm of the mill called Newnham Mill and the land called Mortimer's Land ...	18	0	0
Item of Hugh Chapman for the farm of the Bishops Mill	10	10	0
Item of [John] Lete of Barnwell for the farm of the land called the Chapel Ground	2	2	0

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These three entries represent speculations on the part of the Town. It was renting the Newnham Mill and Mortimer's Land at £13. 6*s.* 8*d.* from Gonville Hall. It was renting the Bishops Mill at £9. 10*s.* from the Bishop of Ely. It was renting the Chapel Ground from the same prelate. The 'out rents' that the town has to pay appear on the other side of the account. On the whole, the treasurers seem to be charged with some £20 in respect of rents payable for pieces of the 'common ground,' or, in other words, for what had once been pieces of the intramural 'waste' of the town.

(2) Then there are the rents received for certain booths belonging to the Town in Sturbridge Fair. There are booths in the Chapel Ground, in Cheapside, the Duddery, and Birchin Lane (these were the names of streets in the fair) and there are Alebooths; also there are payments made for 'packs' in the fair. Under this head the treasurers account for about £12.

(3) There is a very variable sum derived from the fines of newly admitted freemen. In 1518–9 this amounts to £18. 13*s.* 4*d.*

In that year the total charged against the treasurers was £87. 15*s.* 4*d.* On the other hand they were allowed items of discharge amounting to £161. 0*s.* 6½*d.*, and so the Town remained in their debt for £73. 5*s.* 2½*d.*

Among the outgoings we may notice first a balance of £74. 7*s.* 11*d.* paid to the treasurers of the last preceding year. The other main items are 'decay of rent' (certain of the rents which stand due to the Town in its rental can not be levied and the treasurers are excused for not having levied them), 'payments of out rent' (*i.e.* rents due from the Town, in particular for the mills that it holds by lease from Gonville Hall and the Bishop of Ely), 'fees and rewards,' 'reparations' and 'charge of *diriges*.' Repairs must be done to the gildhall, the tolbooth, the houses and fairbooths that belong to the Town, and sometimes the ditches must be scoured. The Town having received legacies (some of its booths in the fair were thus obtained) is bound to make provision for the dirges of its benefactors. The mayor receives £1 a year 'for his robe.' Considerable payments must be made to 'the learned counsel' of the Town by way of retaining fees. If a parliament has been sitting, the representative burgesses must have their wages. Generally a good deal of money must be spent in litigation, or in maintaining the privi-

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leges of the borough; the leading burgesses are often riding to London or elsewhere about the Town's affairs and their travelling expenses must be defrayed. Lastly, there are numerous presents to be made to all sorts of people, who whenever they come to Cambridge expect a pike, a tench, a bream, a gallon of claret or of malmsey or even hard cash.

As large sums were occasionally required for new charters and the like, borough finance could not be very stable, and the Town was often in debt to its treasurers. In 1538 Cambridge had a balance of £131 on the wrong side of its account. This debt was reduced year by year until in Edward VI.'s day there was a small balance on the right side.

§ 147. Now these accounts seem to take no notice of certain sources of revenue, and of just those sources which are of the greatest interest to students of a remoter past, to wit, the profits of the courts, the tolls, and the 'high-gable rents.' With the income thence derived the treasurers seem to have had nothing to do. It went into the hands of the mayor and bailiffs. So also we see nothing in the treasurers' accounts of that old charge, the fee-farm rent due to the king. Of accounts kept by the mayor and bailiffs I have seen but two fragments. The one begins about Christmas in 2 Henry VIII. (1510); the other about Christmas in 15 Henry VIII. (1523).

From the second of these I take the following headings:

'The account of the computants within-written of the issues and profits by them received from the Tuesday the 22nd day of December unto the Tuesday next before the feast of the Annunciation of our Blessed Lady in the 15th year of the reign of ...Henry VIII for 2 portes and 12 weeks.'

'The account of the accountants within-named of the issues and profits by them received from the 3rd day of May in the 16th year of ...Henry VIII unto Tuesday the 26th day of July in the year abovesaid for 12 weeks and two portes.'

The next account runs from 26 July to Michaelmas 'that is to say for ten weeks porte.'

In the earlier fragment similar headings are given in Latin. The first period runs from Sunday before Christmas to Sunday before St Edward pro xij septimanis et ij^{bus} portibus. The next from Sunday before St Edward to Sunday 8 June videlicet pro xij septimanis et ij^{bus} portibus. The next takes us to Sunday

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22 July videlicet pro vj septimanis. The next to Michaelmas pro x septimanis et ij^{bus} portibus.

What these 'ports' are does not clearly appear. Seemingly a 'port' occurs every six weeks, and I take it to be some session of the borough court. At any rate at short intervals, six, ten, twelve weeks, the mayor and bailiffs seem to strike an account of all that they have received and paid. For instance, for twelve weeks ending on the Sunday before St Edward 1511 the following receipts are recorded:

	£.	s.	d.
The bailiff of the Bridge for the said two ports		18	6
The bailiff of the Market for the same	1	19	1
The bailiff of the High Ward for the same		5	5
The bailiff of the [King's] Mill for money remaining in the hand of Richard Eyton for wheat sold to him and unpaid at the last port		15	2
The said bailiff for 3 coombs of meslin sold by him remaining from the last port		4	10
The said bailiff in clear money for wheat and meslin sold by him	1	7	9
The mayor of the town for the said two ports	1	3	7½
Total	6	14	4½

Then besides this the bailiff of the Mill has in hand 61 coombs of wheat and 3 of meslin. Then come the items of discharge, amounting to £6. 4*s*. 3*d*. 'And so there remains in the bag in clear money 10*s*.' Also there are some waifs and strays still to be sold.

So far as I can see, there come into this account (1) the profits of the King's Mill, (2) all the profits of the court, fines, forfeitures, waif and stray, (3) all the tolls, (4) the profits of two fairs belonging to the Town, namely, Reech Fair and Midsummer Fair, also certain of the profits derived from Sturbridge Fair, (5) the 'high-gable rents' amounting now to £6.

At Michaelmas a balance was struck for the whole year. The charge against the accountants was £74. 14*s*. 2*d*. The items of discharge amounted to £86. 3*s*. 4*d*. 'And so in decay £11. 9*s*. 2*d*.' I understand this to mean that the mayor and bailiffs have to find this deficiency out of their own pockets.

By far the largest item of discharge consists of £70 paid into the Exchequer for the fee-farm of the borough. But there are some other old rents to be paid: £4 to the Prior of Caldwell,

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£1 to the Prior of Kenilworth, £1 to Merton College. The mayor is allowed 2*s.* and the recorder 1*s.* a week. The wages of the serjeants and tollers also appear, and some allowances are made to the bailiff of the mill for repairs done upon it. But apparently what we may call the old revenue of the Town is barely sufficient to meet the king's fee-farm rent, and the bailiffs make no profit, but a loss by their offices.

§ 148. Apparently a similar story might be told of the finances of Oxford. In 1549 the bailiffs have 'taken and enjoyed towards the payment of the king's fee-farm' (1) all perquisites of courts, waif, stray and so forth, (2) certain tolls and customs, and (3) the profits of that moiety of the Castle Mills which belonged to the City. Then in 1549 it is ordained that these molendinary profits are no longer to be received by the bailiffs, but are to be taken 'by the mayor and commonalty of the said city to the use of the whole body of the said city,' and instead a sum of £20 a year is to be paid to the bailiffs by the key-keepers of the said city. Also the bailiffs are henceforth exonerated from the annuity of £19 payable to Oriel College, and this annuity is henceforth to be paid by the mayor and commonalty[1]. Rearrangements of this kind can be made from time to time; but there still are two distinct revenues.

Someday the accounts of many towns must be examined. When that has been done, we shall begin to understand the details of the process which gives to the town that personality which the village lacks, and converts a community into a corporation.

§ 149. To turn for a moment to very early history, I have elsewhere committed myself to the guess that the magnates of the shire may have been bound, not only to repair the fortifications of the borough, but also to keep houses and retainers in it[2]. In support of this 'garrison theory,' if I may so call it, I made use of an argument which must be abandoned. Mr Stevenson has shown that what is required of the ceorl who thrives to thegn-right, is a *burh-geat*, not a *burh-geat-setl*[3]. To what he has said I may add that I have lately noticed for the first time that a charter granted to Robert Fitz Harding and printed in

[1] Records of the City of Oxford, ed. Turner, 199.
[2] Domesday Book and Beyond, 190. [3] English Hist. Rev. xii. 489.

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John Smyth's *Lives of the Berkeleys* (i. 22) contains the following clause: 'cum tol et them et zoch et sache et belle et burgiet et infankenethef.' Certainly the *burgiet* seems to be some outward and visible sign of jurisdiction or lordly power, and at any rate I can no longer contend that the thriving ceorl is expected to have a town house.

§ 150. In an admirable article Mr James Tait has marshalled the arguments which can be brought against this garrison theory[1]. I still think that it explains some things that are not easily explicable; in particular the cnihts in the boroughs and the distribution among divers rural manors of the burgages and burgesses that belong to one and the same lord. Moreover I have not supposed, or at least did not mean to suppose, that 'a military class became mere *bourgeois* in two such stormy centuries as the tenth and eleventh,' for I suspect a good many of the *burgenses* of the Confessor's day of being warlike folk: for example, the *equites* of Nottingham. However, I ought to have stated in express words that what can be read of certain important towns (Norwich is one) would certainly not suggest the garrison theory, and is scarcely compatible with the belief that in those towns the magnates of the neighbourhood have been compelled to keep houses. To my mind it seems so little probable that a single history will serve for all the boroughs, or even for all the county towns, that I may not have sufficiently insisted on this improbability. The traits which originally served to differentiate the borough from the mere village may have been, and I think they were, very few: but by permuting and combining them we may soon have on our hands a large number of possible cases. As I can find no serious cause for quarrelling with Mr Tait's summary of what I had written, I feel bound to confess, not that I said too much of the borough as a military centre or of the borough as the scene of a special peace (for of that I am not yet convinced), but that I said too little of the borough as a *tún* and as the market and moot-stow of a shire. In the third of these lectures I have endeavoured to redress the balance: not, I fear, very successfully.

§ 151. I have never meant to assert that there were no exceptionally treated 'towns' before the days of Alfred and

[1] English Hist. Rev. xii. 768.

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Edward the Elder, though I have said that 'at latest' in the struggle between the Danish invaders and the West-Saxon kings the establishment and maintenance of fortified towns was seen to be a matter of importance. Mr Tait asks whether we can 'safely sweep aside all possibility of separate treatment before the ninth century of those old Roman *civitates* which either never ceased to be inhabited or were soon repeopled.' I should be very sorry to do anything of the sort, and am sorry if I have suggested, for I did not mean to suggest, that 'this class of towns first received a court in imitation of the new military foundations of Edward.' Mr Tait takes Canterbury as an instance. It seems to me very possible, though proof is wanting, that 'the *burh* of the men of Kent' had a court of its own long before Edward's day; but it also seems to me very possible that in times equally remote the walls of Dorovernia were being maintained by the Kentish folk as a matter of national or tribal importance. There is a curious charter dated in 804 by which the kings of Mercia and Kent grant to the abbess of Lyminge six acres in the *civitas* of Dorovernia 'ad necessitatis refugium[1].' What precisely this may mean I do not know, but it seems to hint that the burh of the men of Kent is a place of refuge, to which in case of need the abbess and her flock may betake themselves. Also if, as Mr Tait says, Canterbury was a royal residence early in the seventh century, I should not be surprised to find a royal peace pervading it and extending perhaps for 'one league, three perches and three feet' along the roads outside. I do not think that we have proof of the existence of a legal class of exceptionally treated towns until the Danes are upon us, but I should be the last to argue thence that no such towns existed.

§ 152. The importance of Cambridge as a place of assembly during the age which preceded the Norman Conquest might be fully illustrated by the stories that are told in the *Liber Eliensis*. Bishop Æthelwold buys land at Lindon from Leofric: *haec itaque emptio et conventio in territorio quod dicitur Grantebrygge facta est coram melioribus eiusdem provinciae* (p. 117). He buys land at Streatham: the price is paid *in oppido quod dicitur Grantebrygge* (p. 119). He buys more land at Streatham

[1] Kemble, 188 (i. 230); Birch, 317 (i. 444).

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and pays for it *coram omnibus apud civitatem quae dicitur Grantebrigge* (p. 120). Indeed Cambridge is put before us as the usual place where payment is made if land in the shire is sold (pp. 121, 126, 130, 135). Then Æthelwine the ealdorman holds a grand court at Cambridge, *grande placitum civium et hundretanorum coram xxiiij. iudicibus subtus Thernigefeld prope Maideneburge* (p. 137). Transactions take place there, *coram tota civitate* or *coram coetu civium* (p. 140); the *totus coetus qui tunc apud Grantebricge convenerat* is witness (p. 151). The abbot of Ely comes to Cambridge and buys land at Toft, *coram tota civitate*; he then demands a *wed* of the vendor: in other words, a pledge for the delivery of seisin. But all men answer that Cambridge, Norwich, Thetford and Ipswich enjoy such immunity and dignity that if anyone buys land there he has no need of any *wed* (p. 140). Then some merchants of Ireland arrived at Cambridge and one Leofstan a priest stole some of their wares. He begged mercy of 'the citizens,' who granted him his life and property (p. 148).

§ 153. In the *Inquisitio Eliensis* at the end of what is said of the abbey of Ely's possessions in the borough of Cambridge, there stands this sentence: 'In provincia Grentebrigge reclamat abbas quartum nummum ut carte sue testantur et homines de syra[1].' Then in the great *placitum* of the Conqueror's reign we read: 'Insuper et omnem quartum denarium rei publice de Grantebrice a tempore Ædgari regis Sanctique Æthelwoldi presulis possedit semper abbas monasterii Ely usque modo, quem vero Picotus vicecomes nunc iniuste contra tenet[2].' If we put these two texts together we shall probably infer that what the abbot claimed was the fourth penny of the county or of the county-court. Then in the would-be charter granted by Edgar the king is supposed to bestow in Latin 'omnem quartum nummum reipublicae in provincia Grantaceaster,' or in English 'ðone feorðan pening on folclicre steore into Grantanbricge[3].' Again, in the charter ascribed to Edward the Confessor: 'omnisque quartus nummus reipublicae in provincia Grantecestriae et aliquae terrae in ipsa villa[4].' Also in this last document the isle of Ely is said to lie 'in comitatu Grantecestriae.' The mention

[1] D. B. iv. 508; Inq. Com. Cant. ed. Hamilton, 121.
[2] Inq. Com. Cant. 195.
[3] Kemble, Cod. Dip. 563 (iii. 58, 61).
[4] Kemble, Cod. Dip. 907 (iv. 244).

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of Grantchester rather than Grantbridge in certain of these documents raises a difficult question which I must not touch; they all, however, seem to be aiming at the fourth penny, not of one vill, but of a whole *provincia*. Domesday Book says nothing about the matter, and suggests by its silence that the abbot's claim was rejected.

§ 154. The following writ, whereby Henry I. bans the trade of Cambridgeshire to the borough of Cambridge, I copy from a book known as the Cross Book and preserved in the municipal archives. I do not see sufficient reason for questioning its authenticity. Henry II.'s Charter for Nottingham declares that the men of Nottinghamshire and Derbyshire ought to come to the borough of Nottingham on Fridays and Saturdays with their wains and packhorses (*cum quadrigis et summagiis suis*), and that no one for ten leagues round Nottingham may work dyed cloth except in the borough[1]. Also the same king declares that the citizens of Lincoln may have their gild merchant of the men of the city 'and of the other merchants of the county[2].'

Henricus Rex Angl. Heru. Eliensi Episcopo[3] et omnibus baronibus suis de Grentebrugescira salutem. Prohibeo ne aliqua navis applicet ad aliquod litus de Cantebrugescira[4] nisi ad litus de burgo meo de Cantebruge neque carece onerentur nisi in burgo de Cantebruge neque aliquis capiat alibi theolonium nisi ibi. Et quicunque in ipso burgo forisfecerit ibidem faciat rectum. Quod si quis aliter fecerit precipio ut sit michi inde ad rectum coram iusticia mea quando precepero inde placitare. T. Cancell. et Milon de Gloc[5].

[1] Records of Nottingham, i. 1. [2] Gross, Gild Merchant, ii. 146.

[3] Hervey the Breton, first Bishop of Ely, 1109—1131.

[4] The change of spelling from *Grent* to the later form *Cant* seems an insufficient cause for the rejection of this writ. We are dealing not with a would-be original, but with a professed copy.

[5] The *T.* before *Cancell* stands, I take it, for *Testibus* and is not the Chancellor's initial. Miles of Gloucester, the constable, ob. 1143. See Mr Round's article in Dict. Nat. Biog. *Gloucester, Miles de.* Another text, an *Inspeximus* of Edward VI, gives: *Teste Cancellario et Milone de Gloecestria et Ricardo Bass[et] apud Londoniam.* In Dict. Nat. Biog. Mr Round speaks of Richard Basset, inclining to place his death a little before 1145. I can not find that the burgesses obtained a confirmation of this writ before the reign of Edward VI.

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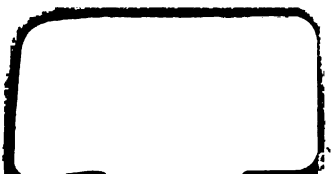

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